

**Exhibit 13**  
**to Standing Declaration of Andrew W. Young**

MR-15

## West Virginia Department Of Environmental Protection

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ERIS

## MR-15 NOTICE OF VIOLATION

| PERMIT<br>NUMBER | ORIGINAL INSPECTION |       | ENF STD DATA |      |         | VIOLATION ACTIVITY |       |            | INSP ID<br>NUMBER |
|------------------|---------------------|-------|--------------|------|---------|--------------------|-------|------------|-------------------|
|                  | DATE                | TIME  | FORM#        | FAC# | ENF STD | DATE               | TIME  | VIOLATION# |                   |
| O302211          | 03/06/2024          | 10:00 | 6 (rev 4/20) |      | 1000    | 03/06/2024         | 10:00 | 7          | 580               |

PERMITTEE NAME SOUTH FORK COAL COMPANY, LLC

OPERATOR NAME \_\_\_\_\_

MSHA ID# pending NPDES # WV1026593

OWNER/CONTROLLER \_\_\_\_\_ If different from above

CONTRACT BLASTING FIRM \_\_\_\_\_

BLASTER NAME \_\_\_\_\_  
(CERT #) \_\_\_\_\_

Whereas an inspection of the above operation by the undersigned Authorized Representative of the Director was completed on the 06th day of March, 2024. The inspection revealed a violation of the provisions of Chapter 22, Article 3 of the Code of West Virginia. You are hereby notified that you are in violation of the provisions listed below.

WV CODE 22, Art. 3, Sect.  
22-3-13(b)(17)

Reg 38-2-  
4.7

## [ DOV ] Description of Violation:

Company has failed to control and prevent erosion of the haulroad; in that, the haulroad is extremely muddy, rutted severely in multiple locations, and the surfacing has deteriorated and has not been sufficiently repaired and/or replaced where necessary.

## [ REM ] Remedial Measures:

Repair all rutted areas and repair road face with a durable non-toxic material. Grade the haulroad to ensure that the proper pitch is maintained so that all runoff runs in to the haulroad sediment control. Repair the crown of the road where necessary.

MUST BE CORRECTED BY DATE 03/13/2024 10:00☒ NOV Issued☐ CO Modified to NOV☐ Resulted in Off-Site ImpactAUTH. COMPANY REPRESENTATIVE Dan Skaggs

DELIVERY METHOD / DATE TIME \_\_\_\_\_

CERTIFIED MAIL NUMBER \_\_\_\_\_

ADDRESS 1295 ASHFORD HILL RD, ASHFORD, WV 25009WV DEP REP. Chase L CanterburyHarold D. Ward

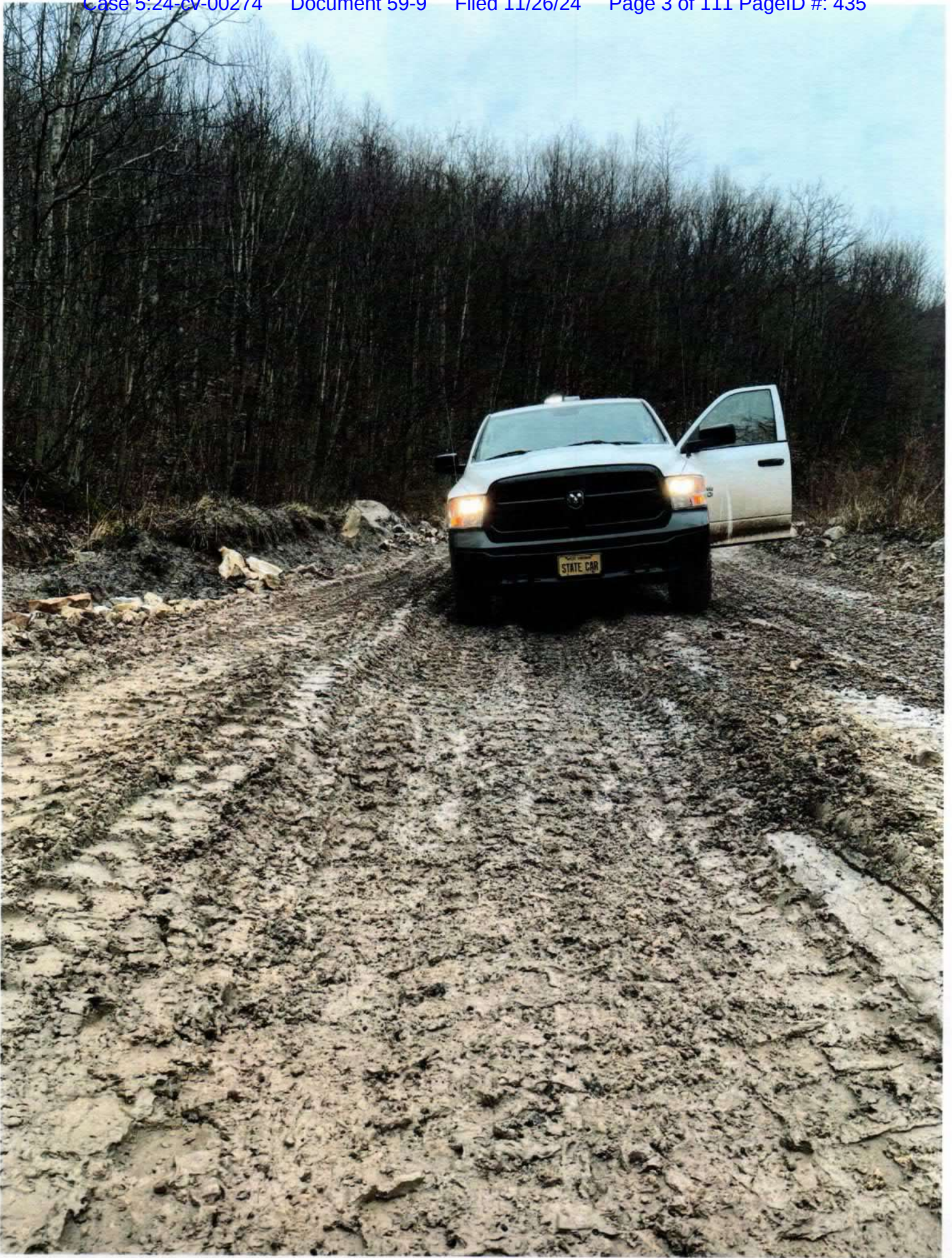
[Secretary, Department of Environmental Protection]

03/06/2024

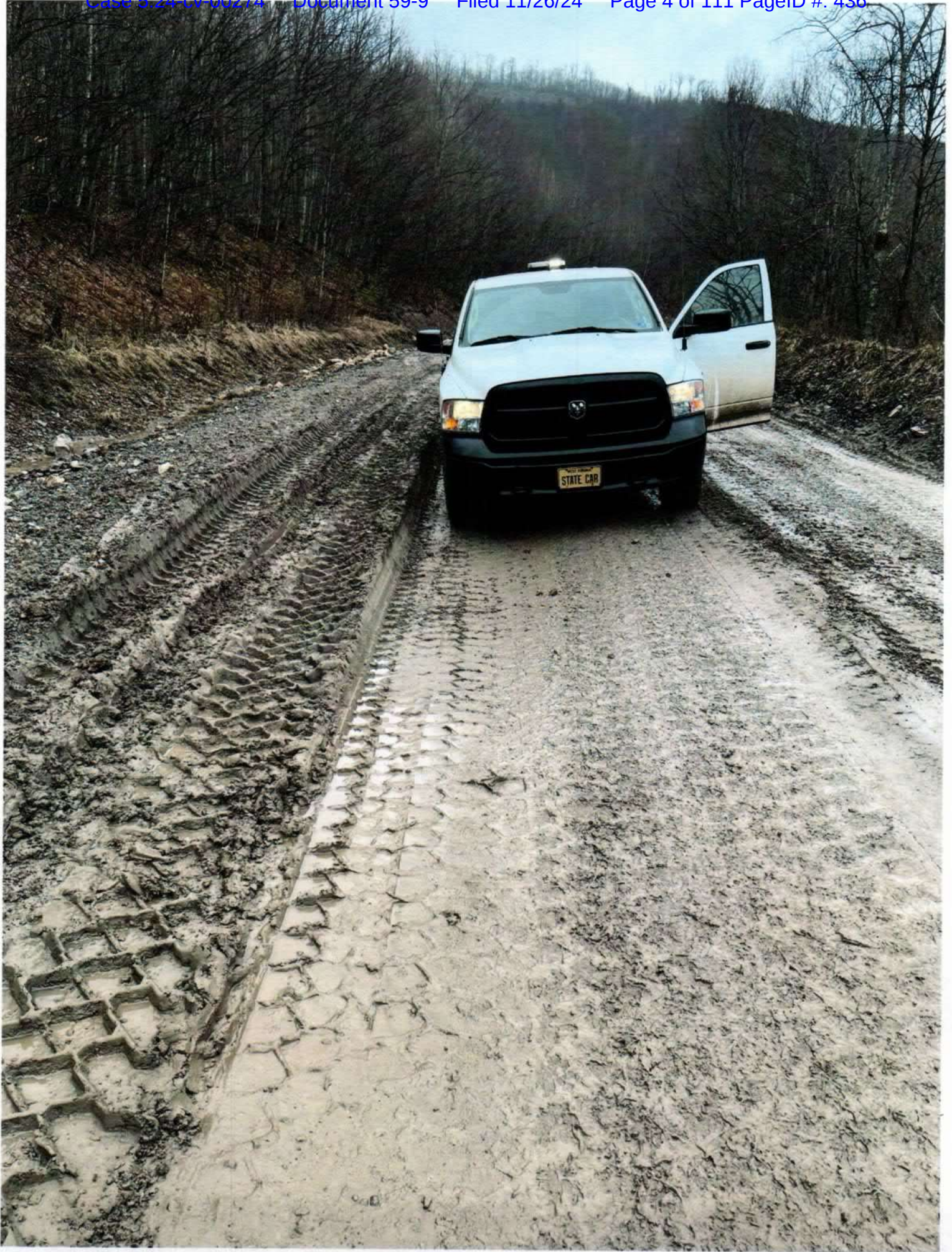
[WV DEP Rep/Date]

Contact Chase L Canterbury at (304) 574-4465 upon completion. Failure to complete the above measures within the above time period may result in a Cessation Order or revocation of the permit and forfeiture of the performance bond.





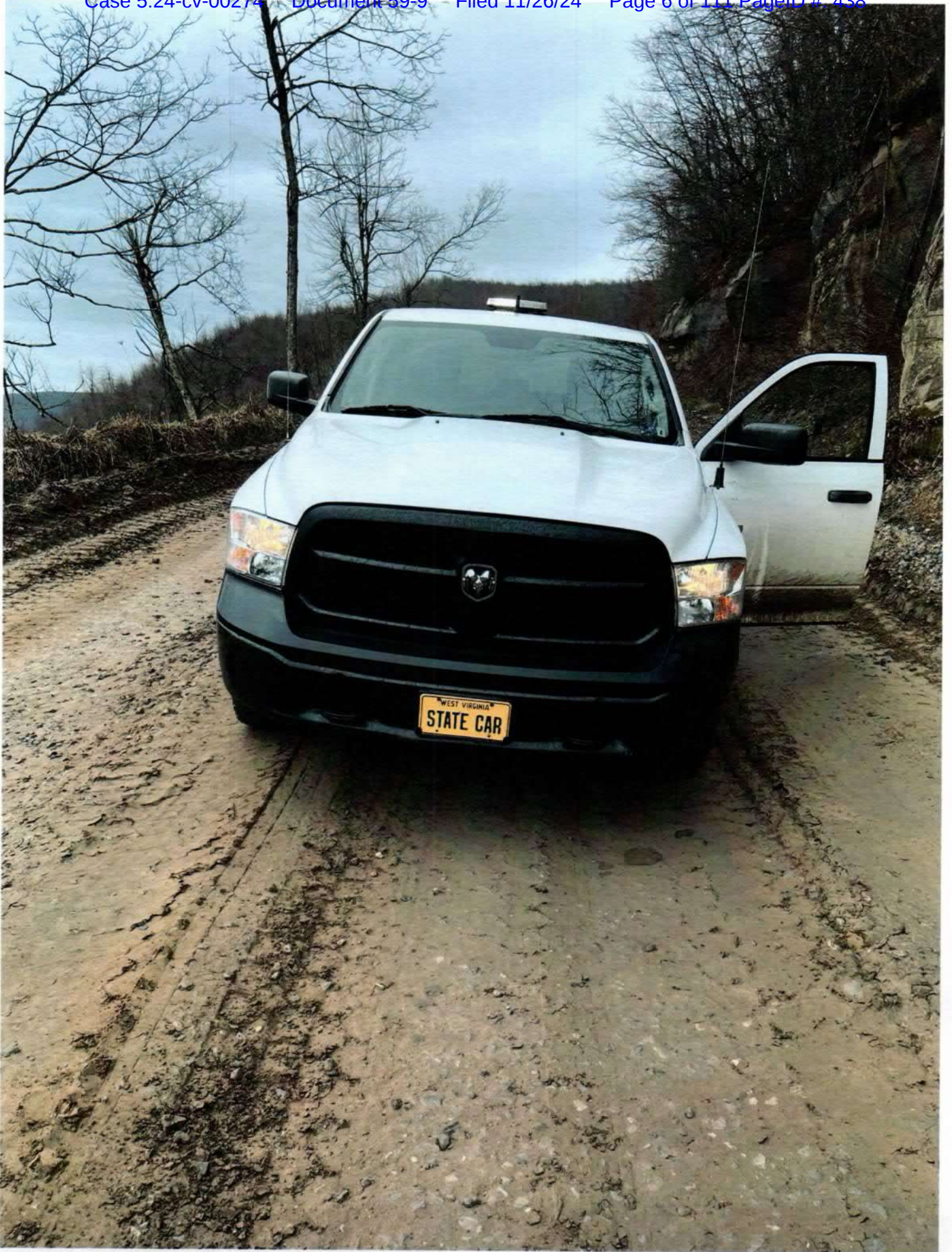




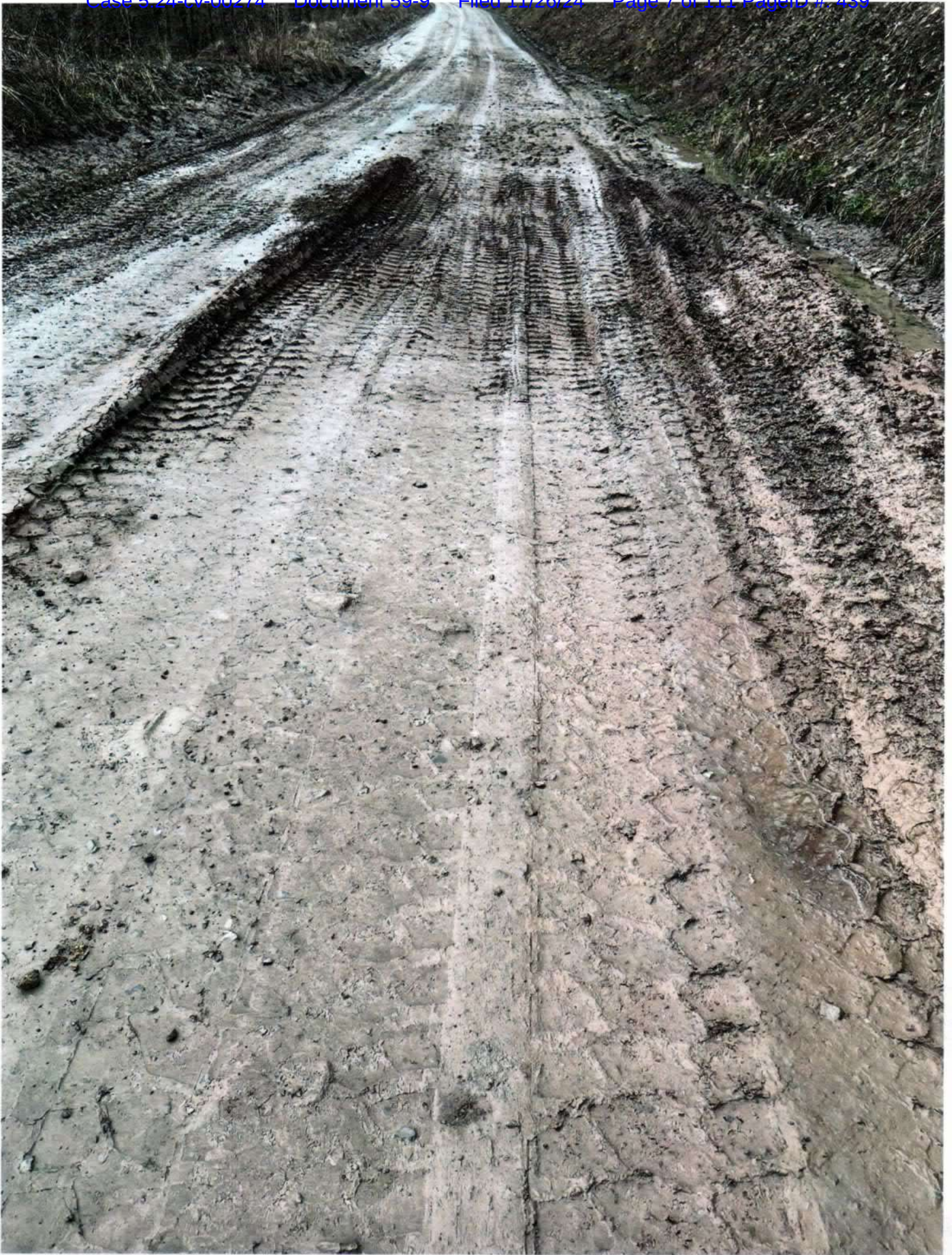




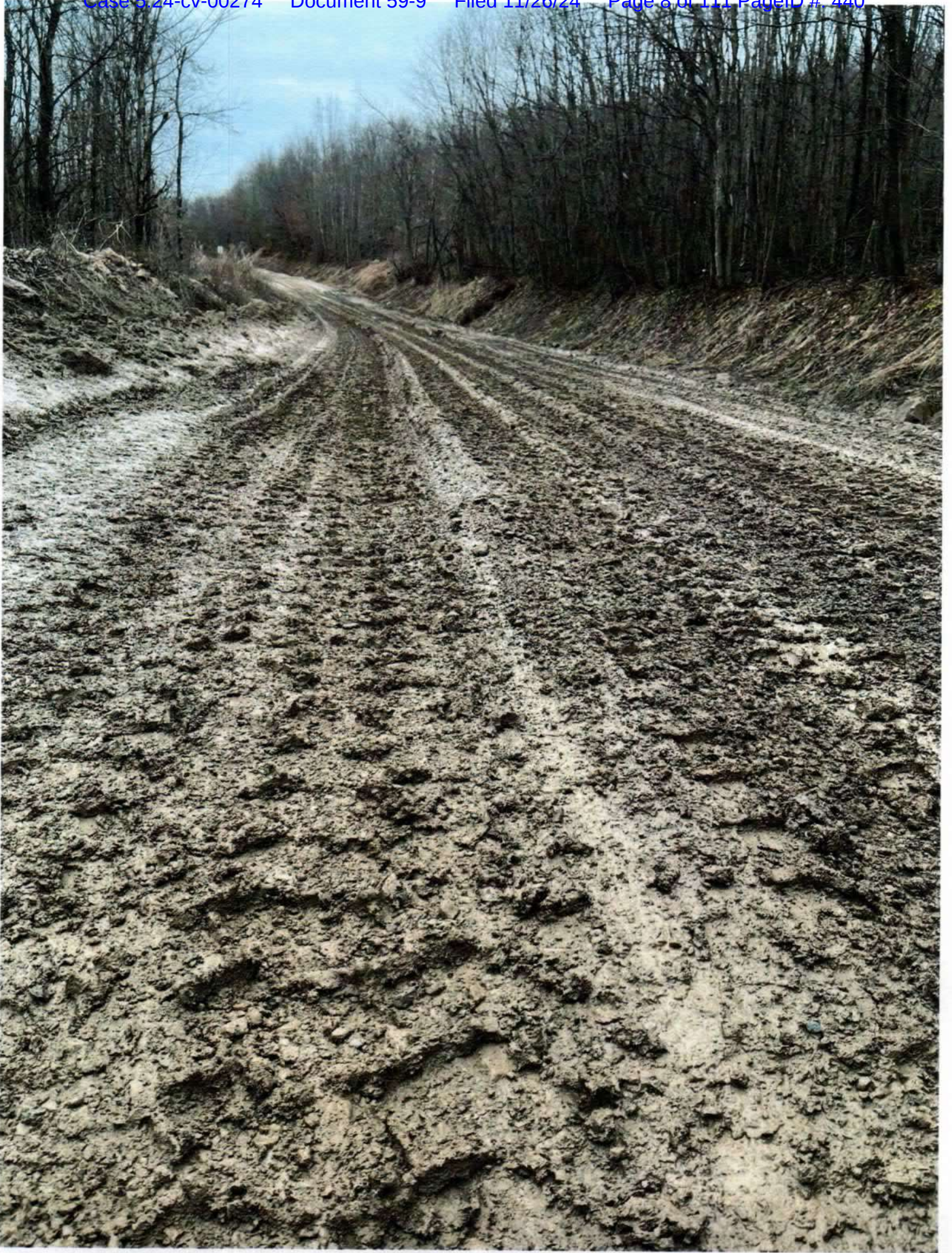
















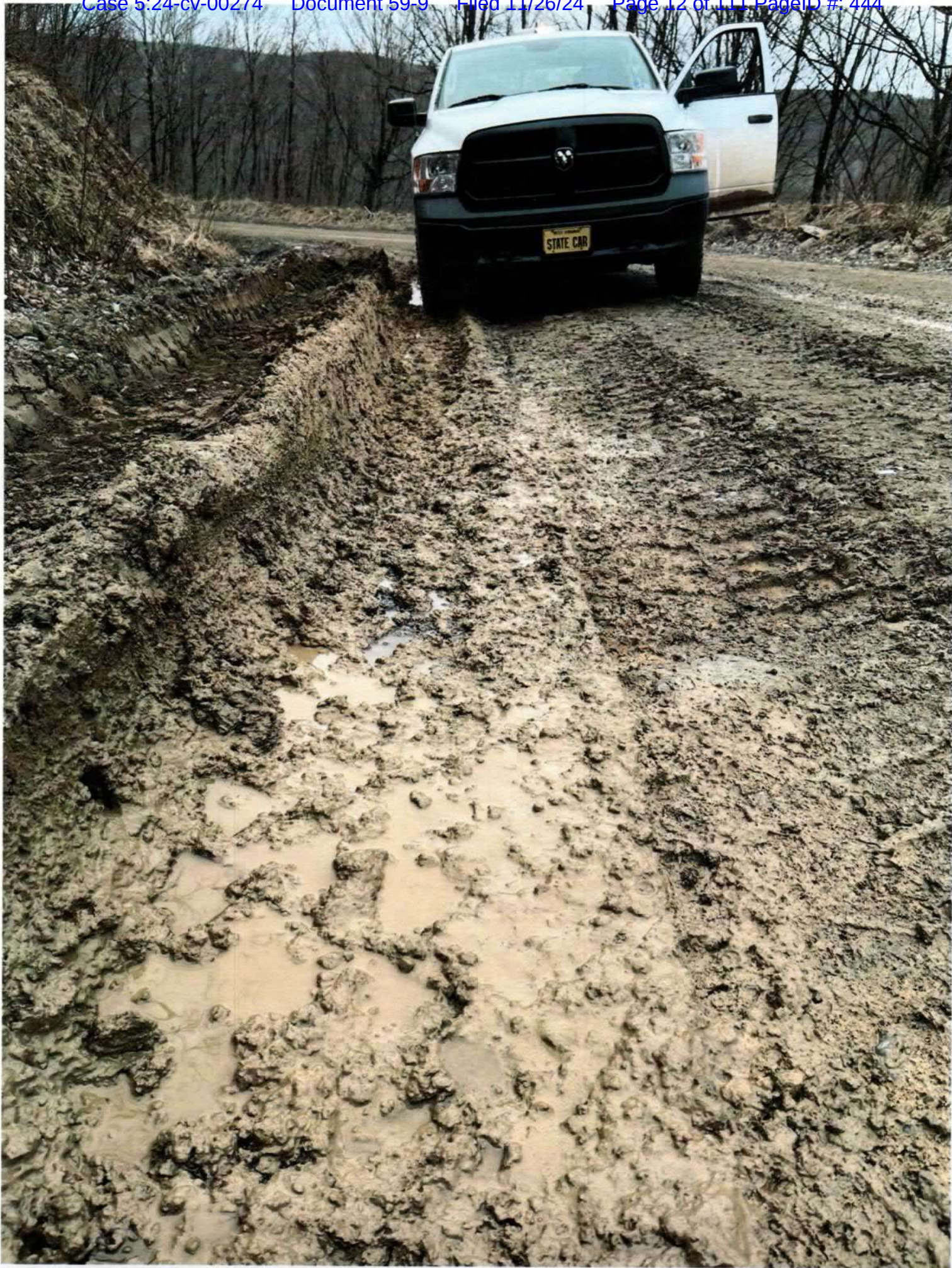




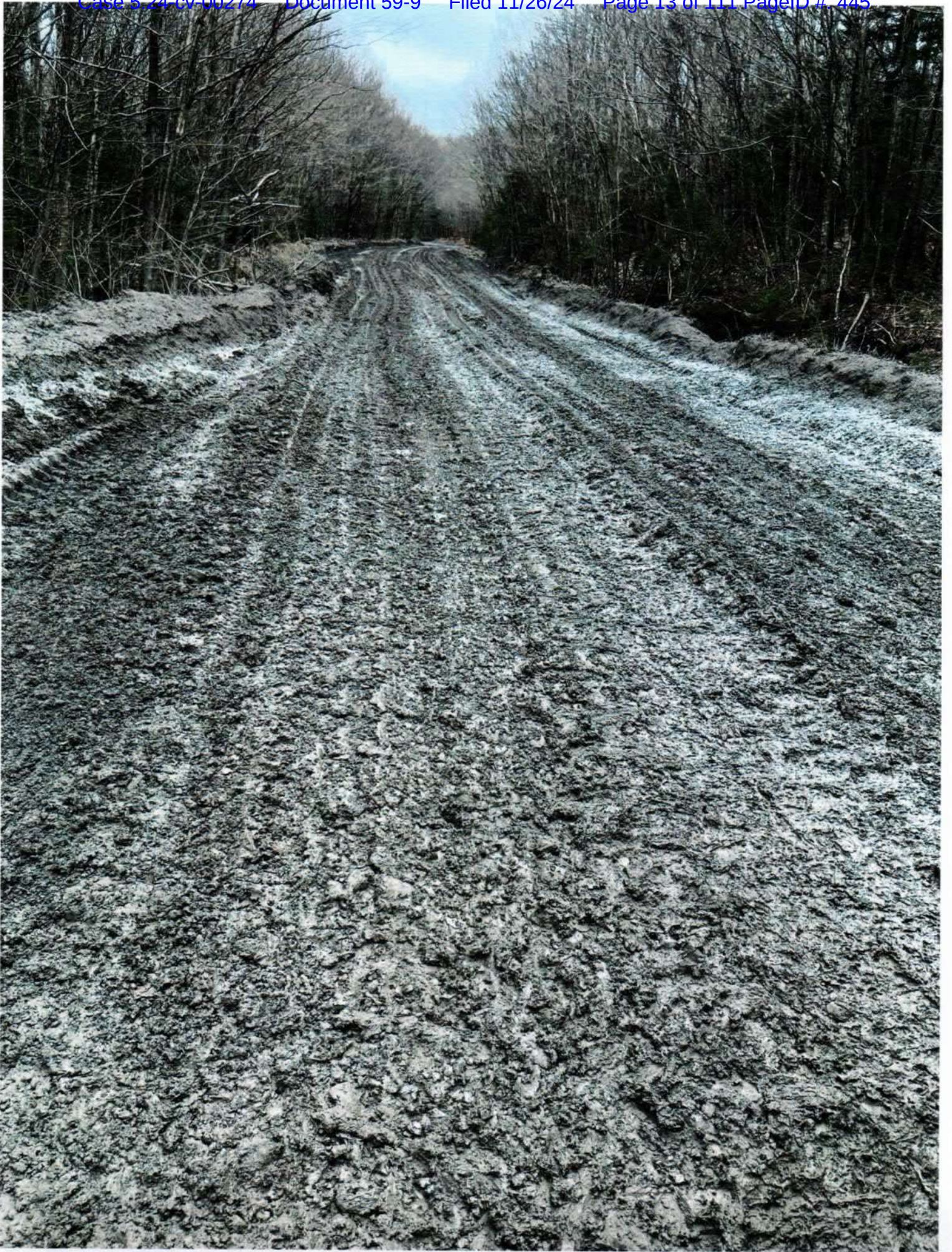


















**Exhibit 14**  
**to Standing Declaration of Andrew W. Young**



MR-15A

## West Virginia Department Of Environmental Protection

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ERIS

## MR-15A CESSATION ORDER

| PERMIT<br>NUMBER | ORIGINAL INSPECTION |       | ENF STD DATA |      |         | VIOLATION ACTIVITY |       |            | INSP ID<br>NUMBER |
|------------------|---------------------|-------|--------------|------|---------|--------------------|-------|------------|-------------------|
|                  | DATE                | TIME  | FORM#        | FAC# | ENF STD | DATE               | TIME  | VIOLATION# |                   |
| O302211          | 03/06/2024          | 10:00 | 6 (rev 4/20) |      | 1000    | 03/27/2024         | 13:30 | 8          | 580               |

PERMITTEE NAME SOUTH FORK COAL COMPANY, LLC

OPERATOR NAME \_\_\_\_\_

MSHA ID# pending

NPDES #

WV1026593

OWNER/CONTROLLER \_\_\_\_\_

If different from above

Whereas an inspection of the above operation by the undersigned Authorized Representative of the Director was completed on the 06th day of March, 2024. The inspection revealed a violation of the provisions of Chapter 22, Article 3 of the Code of West Virginia. You are hereby notified that you are in violation of the provisions listed below.

WV CODE 22, Art. 3, Sect.  
22-3-17(a)

Reg 38-2-  
20.3.B.1.

NI

The condition, practice or violation is creating an imminent danger to the health or safety of the public or is causing or can reasonably be expected to cause significant, imminent harm to the environment. ( Imminent Harm C. O. )

NF

The permittee or operator has failed to abate the violation included in Notice of Violation # 7 within the required abatement date. A minimum civil penalty of \$750 per day will be assessed for 30 days unless the violation is corrected.

[ ACI ] Area of operations to be ceased immediately:

Entire

[ REM ] Remedial Measures:

Repair all rutted areas and repair road face with a durable, non-toxic material in the critical areas; those areas being the 1-10 road markers and the 17-19 road markers.

MUST BE CORRECTED BY DATE: 04/26/2024 13:30☐ Resulted in Off-Site ImpactAUTH. COMPANY REPRESENTATIVE Dan SkaggsDELIVERY METHOD / DATE TIME Certified 3/28/2024 16:00:00CERTIFIED MAIL NUMBER 7021 1970 0001 7288 8054ADDRESS 1295 ASHFORD HILL RD, ASHFORD, WV 25009WV DEP REP. Chase L CanterburyHarold D. Ward

[Secretary, Department of Environmental Protection]

03/28/2024

[WV DEP Rep/Date]

WAIVER -- The undersigned does hereby waive, pursuant to WV Code 22-3-16(a), the informal conference on a Cessation Order.

AUTHORIZED AGENT SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_

Contact Chase L Canterbury at (304) 574-4465 upon completion. Failure to complete the above measures within the above time period may result in revocation of the permit and forfeiture of the performance bond.

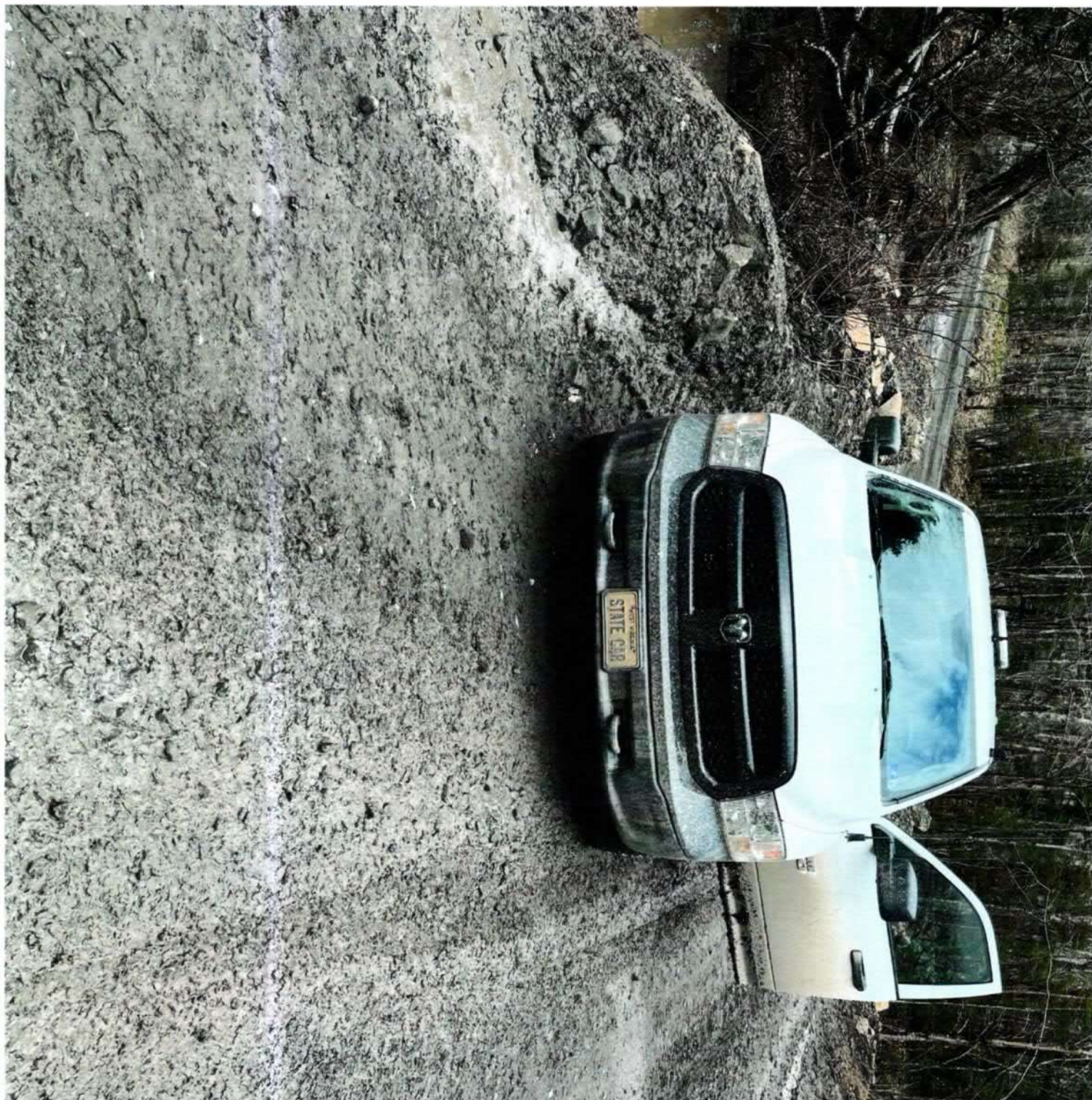
























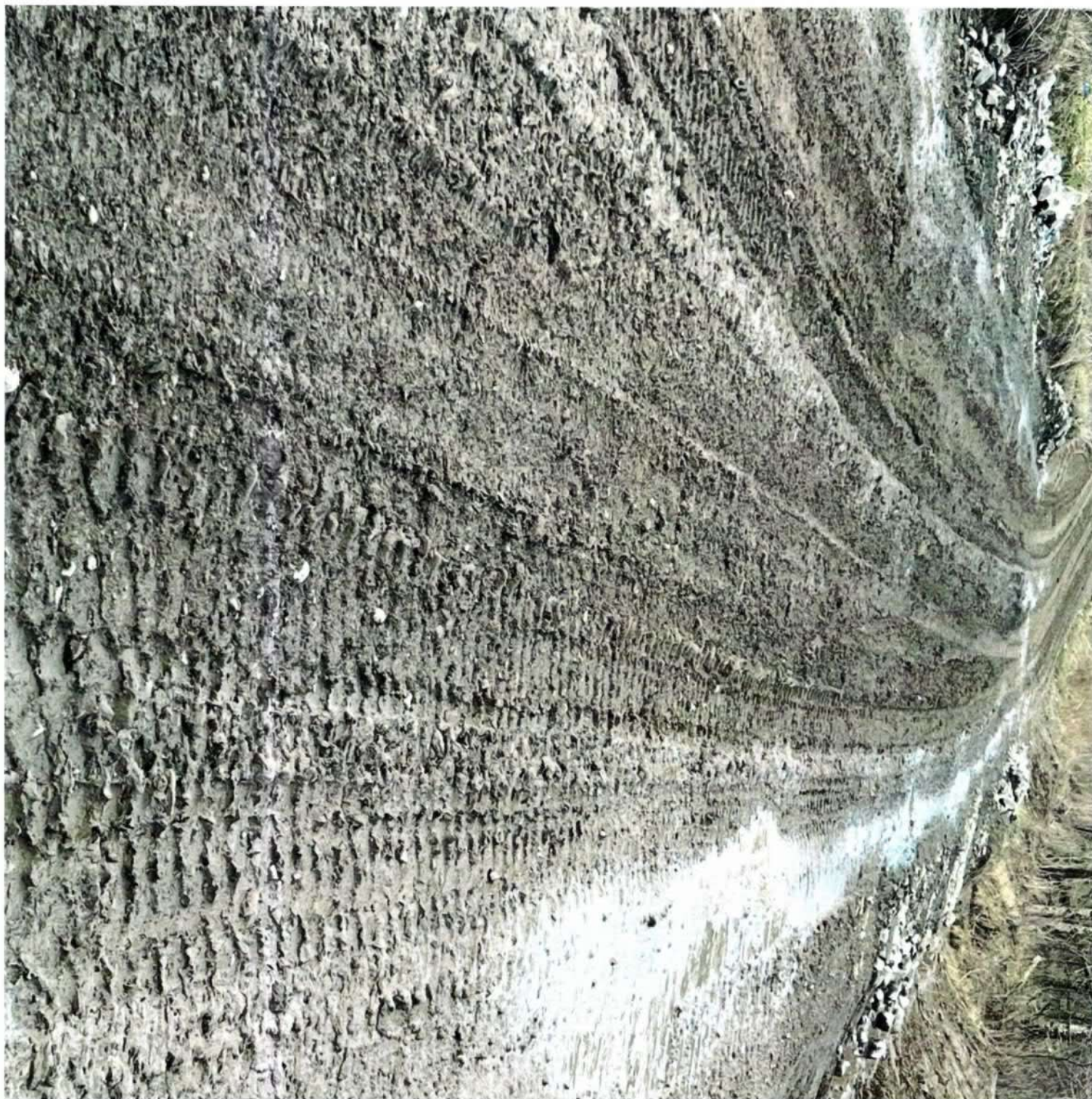
















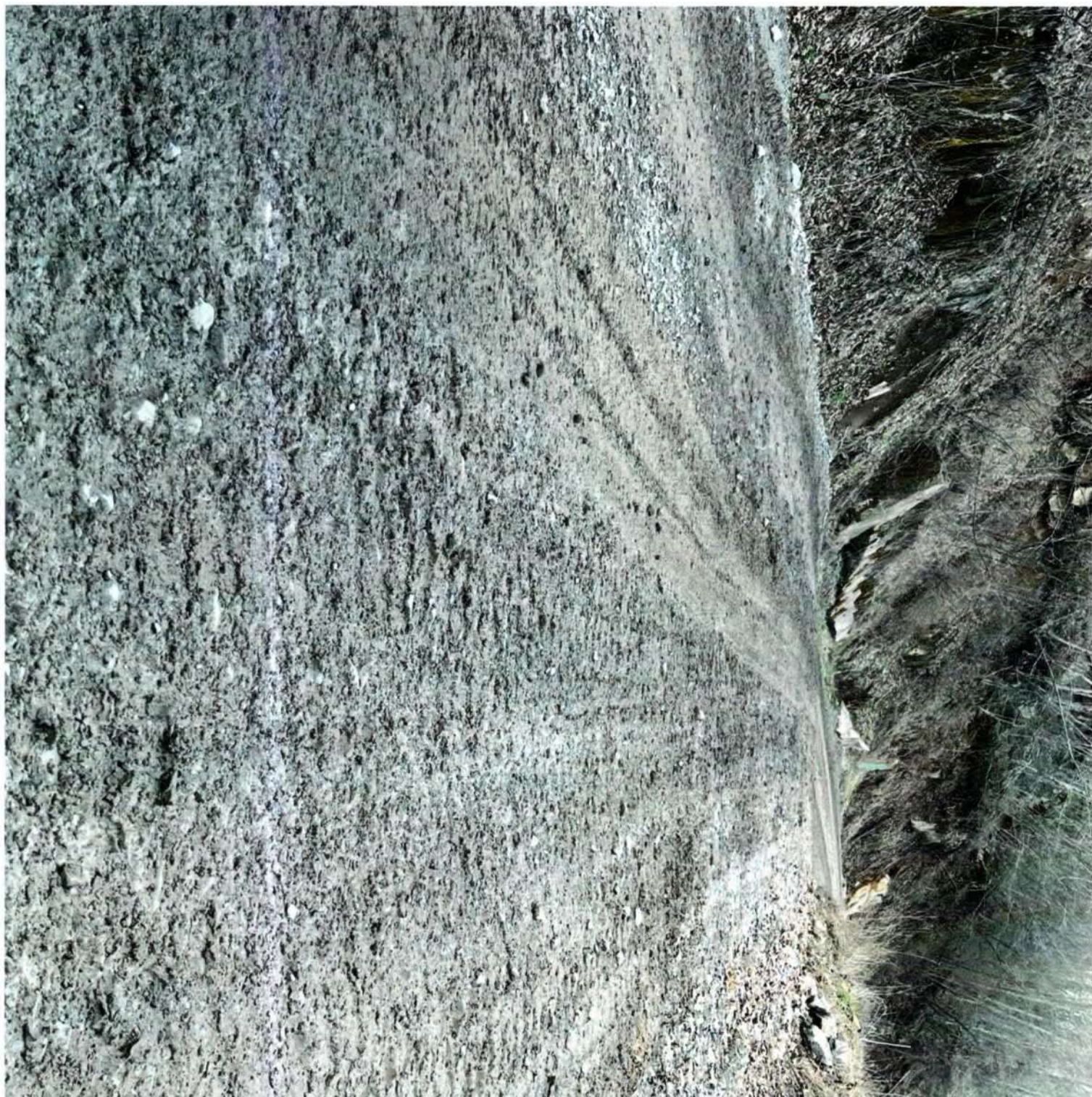




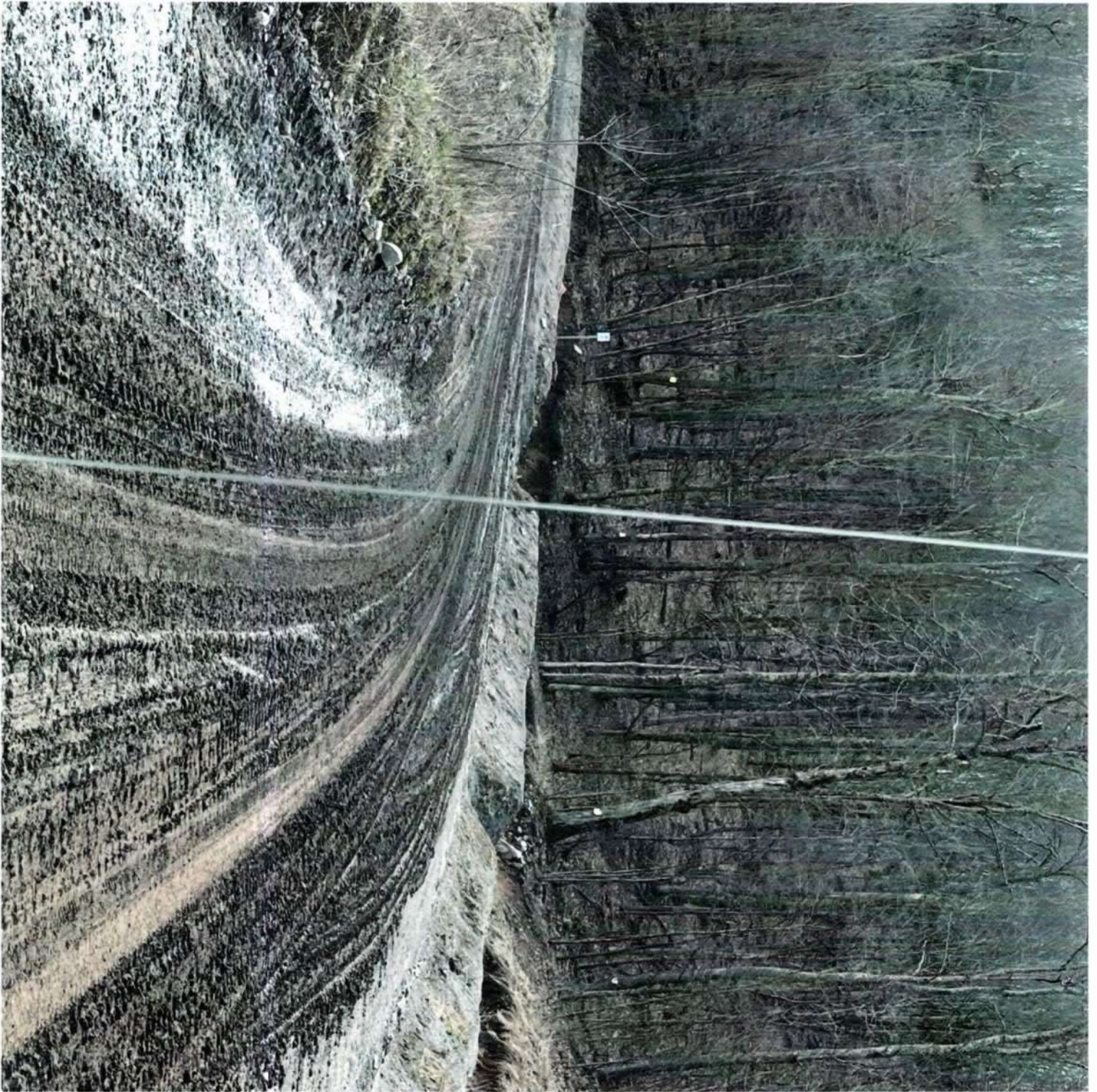
















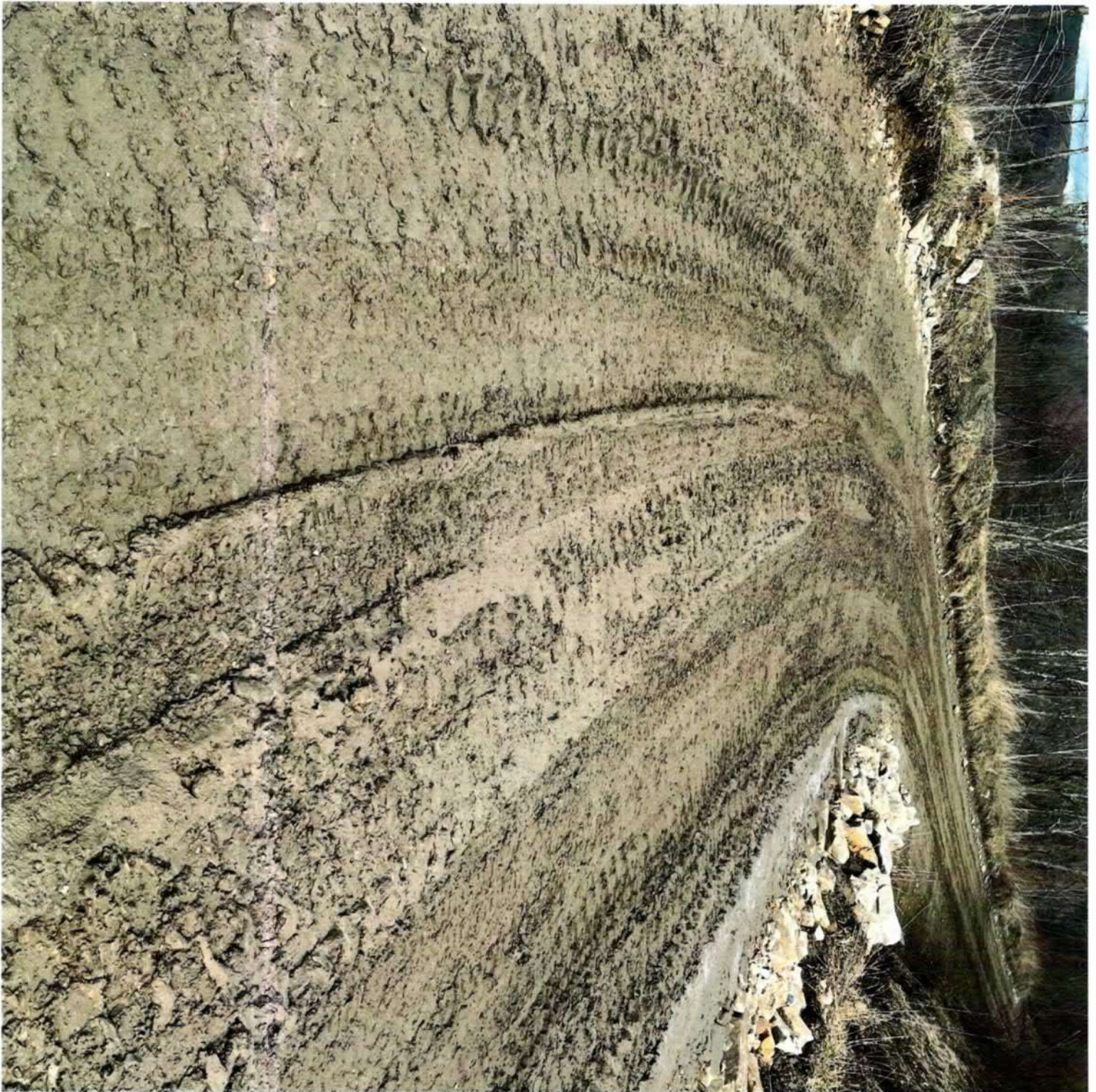




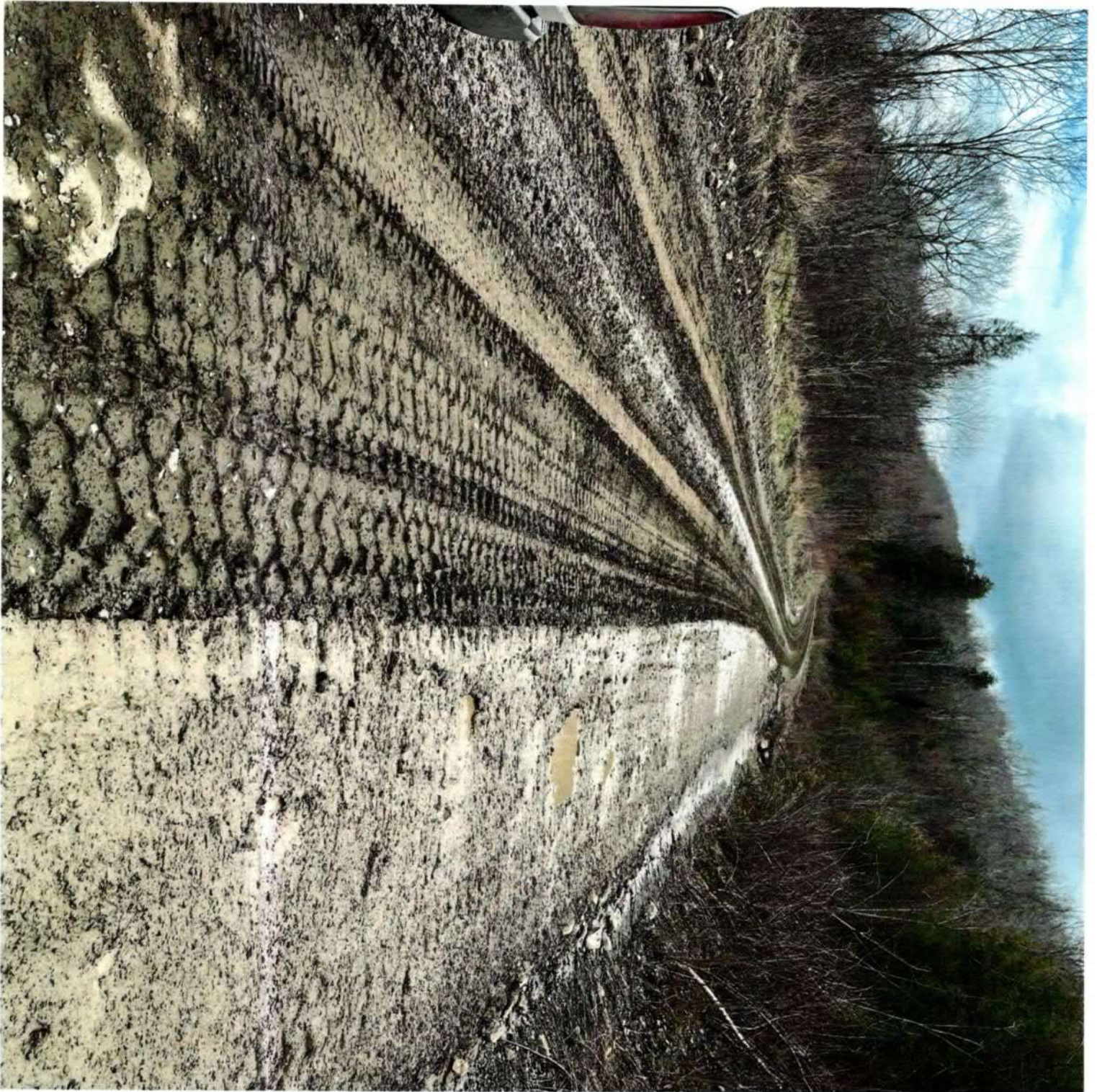




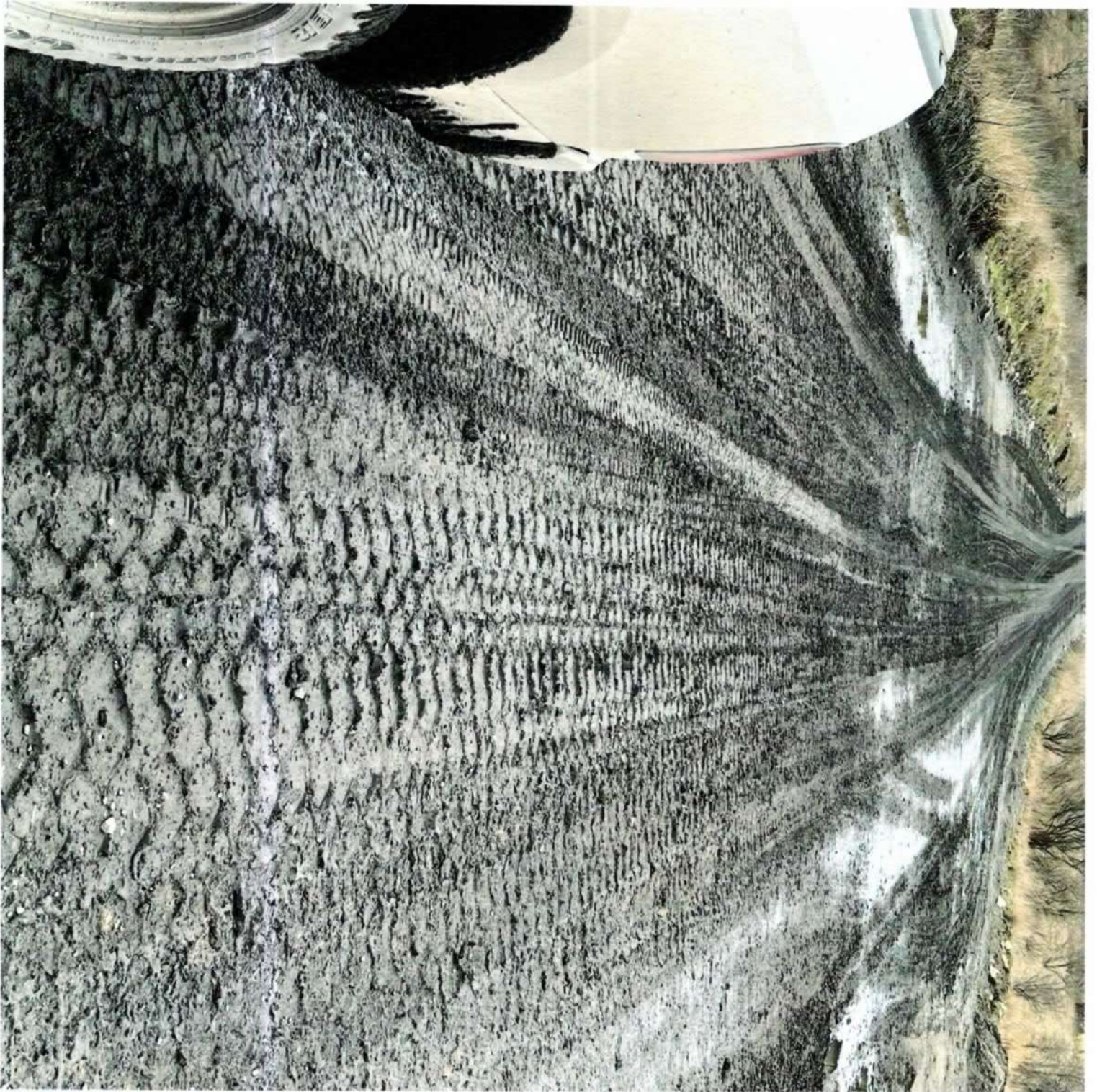


















| SENDER: COMPLETE THIS SECTION  |   | COMPLETE THIS SECTION ON DELIVERY   |  |  |  |  |   |   |  |  |  |  |   |
|--|---|---|--|--|--|--|---|---|--|--|--|--|---|
| <p>■ Complete items 1, 2, and 3.</p> <p>■ Print your name and address on the reverse so that we can return the card to you.</p> <p>■ Attach this card to the back of the mailpiece, or on the front if space permits.</p> <p>1. Article Addressed to:</p> <div style="border: 1px solid black; padding: 5px; margin: 10px 0;">South Fork Coal Company, LLC<br/>1295 Ashford Hill Rd.<br/>Ashford, WV 25009</div> <p>2. Article Number (Transfer from service label)</p> <div style="text-align: center;"><br/>9590 9402 7471 2055 0572 45</div> <p>7021 1970 0001 7288 8054</p> <p>PS Form 3811, July 2020 PSN 7530-02-000-9053</p> |   | <p>A. Signature <input checked="" type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) <i>[Signature]</i> C. Date of Delivery</p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input type="checkbox"/> No<br/>If YES, enter delivery address below:</p> <div style="border: 2px solid blue; padding: 10px; margin: 10px 0; text-align: center;">RECEIVED<br/>APR 08 2024</div> <p>3. Service Type</p> <table border="0"><tr><td><input type="checkbox"/> Adult Signature Restricted Delivery</td><td><input type="checkbox"/> Priority Mail Express</td></tr><tr><td><input type="checkbox"/> Certified Mail®</td><td><input type="checkbox"/> Registered Mail™</td></tr><tr><td><input type="checkbox"/> Certified Mail Restricted Delivery</td><td><input type="checkbox"/> Registered Mail Restricted Delivery</td></tr><tr><td><input type="checkbox"/> Collect on Delivery</td><td><input type="checkbox"/> Signature Confirmation™</td></tr><tr><td><input type="checkbox"/> Insured Mail (over \$500)</td><td><input type="checkbox"/> Signature Confirmation Restricted Delivery</td></tr></table> |  | <input type="checkbox"/> Adult Signature Restricted Delivery | <input type="checkbox"/> Priority Mail Express | <input type="checkbox"/> Certified Mail® | <input type="checkbox"/> Registered Mail™ | <input type="checkbox"/> Certified Mail Restricted Delivery | <input type="checkbox"/> Registered Mail Restricted Delivery | <input type="checkbox"/> Collect on Delivery | <input type="checkbox"/> Signature Confirmation™ | <input type="checkbox"/> Insured Mail (over \$500) | <input type="checkbox"/> Signature Confirmation Restricted Delivery |
| <input type="checkbox"/> Adult Signature Restricted Delivery   | <input type="checkbox"/> Priority Mail Express                      |   |  |  |  |  |   |   |  |  |  |  |   |
| <input type="checkbox"/> Certified Mail®   | <input type="checkbox"/> Registered Mail™                           |   |  |  |  |  |   |   |  |  |  |  |   |
| <input type="checkbox"/> Certified Mail Restricted Delivery  | <input type="checkbox"/> Registered Mail Restricted Delivery        |   |  |  |  |  |   |   |  |  |  |  |   |
| <input type="checkbox"/> Collect on Delivery   | <input type="checkbox"/> Signature Confirmation™                    |   |  |  |  |  |   |   |  |  |  |  |   |
| <input type="checkbox"/> Insured Mail (over \$500)   | <input type="checkbox"/> Signature Confirmation Restricted Delivery |   |  |  |  |  |   |   |  |  |  |  |   |



**Exhibit 15**  
**to Standing Declaration of Andrew W. Young**



MR-15

## West Virginia Department Of Environmental Protection

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## MR-15 NOTICE OF VIOLATION

| PERMIT<br>NUMBER | ORIGINAL INSPECTION |       | ENF STD DATA |      |         | VIOLATION ACTIVITY |       |            | INSP ID<br>NUMBER |
|------------------|---------------------|-------|--------------|------|---------|--------------------|-------|------------|-------------------|
|                  | DATE                | TIME  | FORM#        | FAC# | ENF STD | DATE               | TIME  | VIOLATION# |                   |
| O302211          | 10/23/2024          | 14:30 | 6 (rev 4/20) |      | 2600    | 10/23/2024         | 14:30 | 11         | 1212              |

PERMITTEE NAME SOUTH FORK COAL COMPANY, LLC

OPERATOR NAME \_\_\_\_\_

MSHA ID# pending

NPDES #

WV1026593

OWNER/CONTROLLER \_\_\_\_\_

*If different from above*

CONTRACT BLASTING FIRM \_\_\_\_\_

BLASTER NAME \_\_\_\_\_

(CERT #) \_\_\_\_\_

Whereas an inspection of the above operation by the undersigned Authorized Representative of the Director was completed on the 23rd day of October, 2024. The inspection revealed a violation of the provisions of Chapter 22, Article 3 of the Code of West Virginia. You are hereby notified that you are in violation of the provisions listed below.

WV CODE 22, Art. 3, Sect.

13(b)(4)

Reg 38-2-

4.7.a.2.

## [ DOV ] Description of Violation:

NOV #11 issued on this day for the company failing to ensure that the maintenance of the haul road prevents excessive dust from leaving the site.

## [ REM ] Remedial Measures:

Cease hauling immediately. Use any acceptable dust suppressant to ensure that dust is under control.

MUST BE CORRECTED BY DATE 10/24/2024 10:00☒ NOV Issued☐ CO Modified to NOV☒ Resulted in Off-Site ImpactAUTH. COMPANY REPRESENTATIVE Company AgentDELIVERY METHOD / DATE TIME Hand 10/23/2024 15:00:00

CERTIFIED MAIL NUMBER \_\_\_\_\_

ADDRESS 1295 ASHFORD HILL RD, ASHFORD, WV 25009WV DEP REP. Adam P MaltempieHarold D. Ward

[Secretary, Department of Environmental Protection]

Adam P Maltempie 10/23/2024

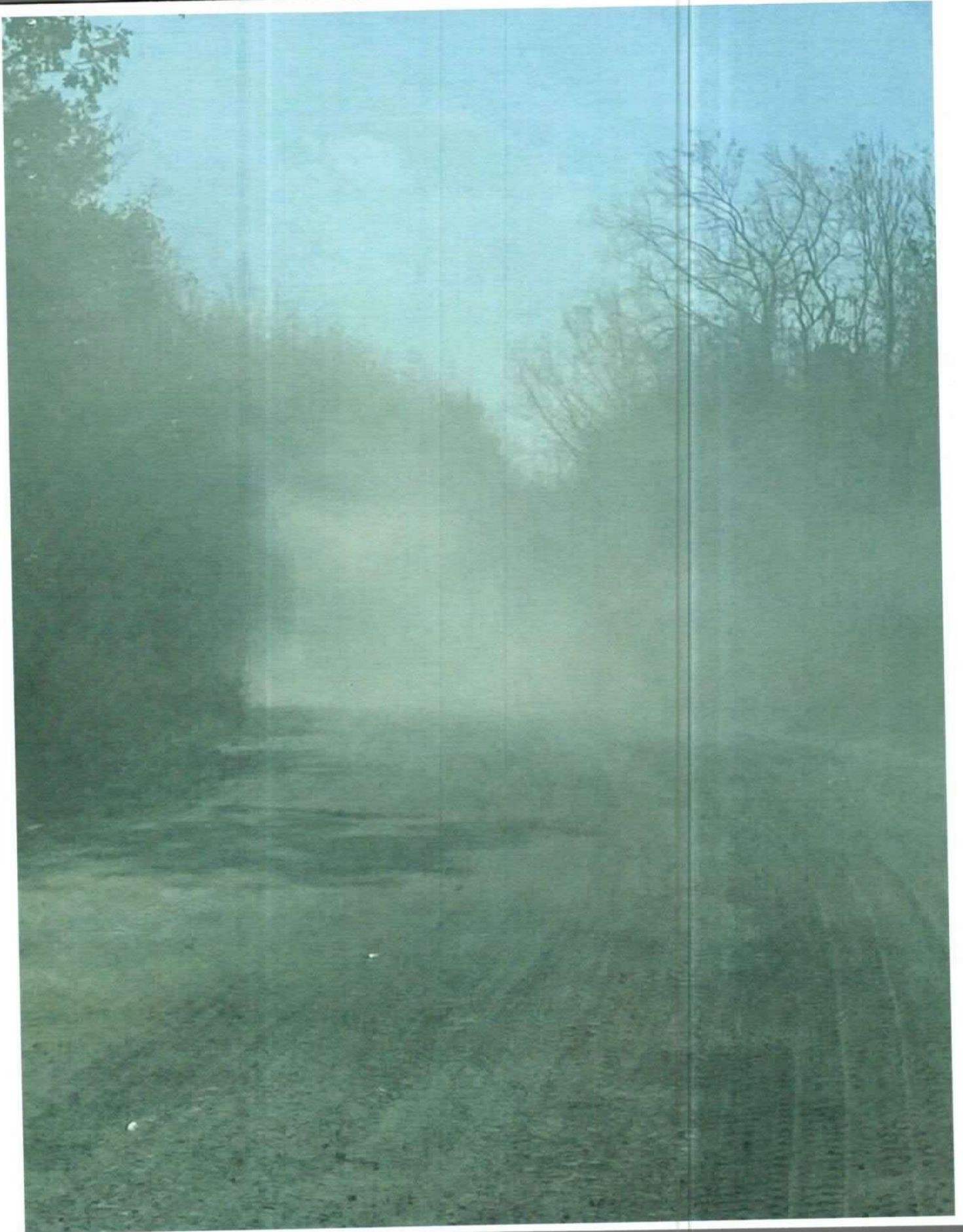
[WV DEP Rep/Date]

Contact Adam P Maltempie at (304) 574-4465 upon completion. Failure to complete the above measures within the above time period may result in a Cessation Order or revocation of the permit and forfeiture of the performance bond.

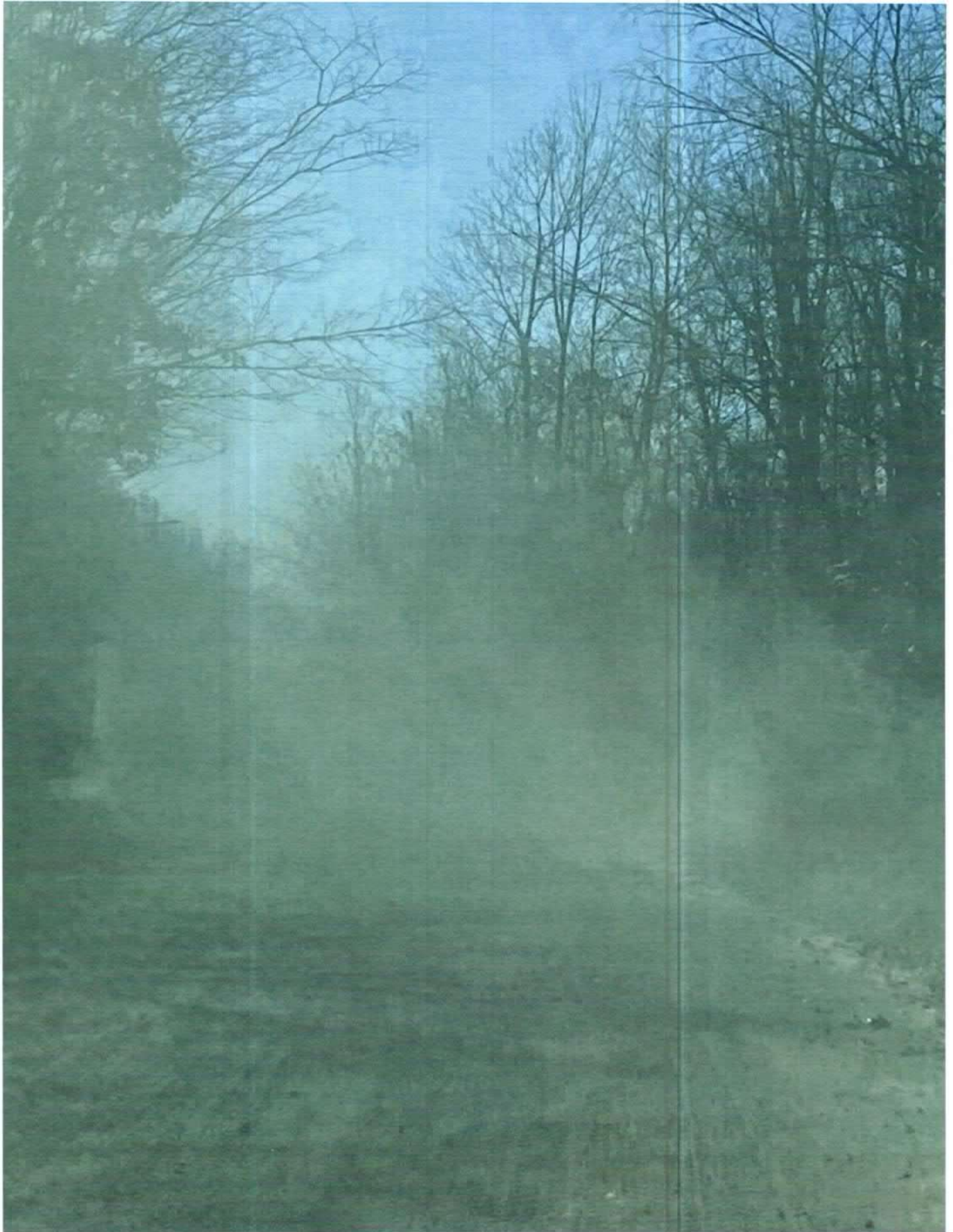




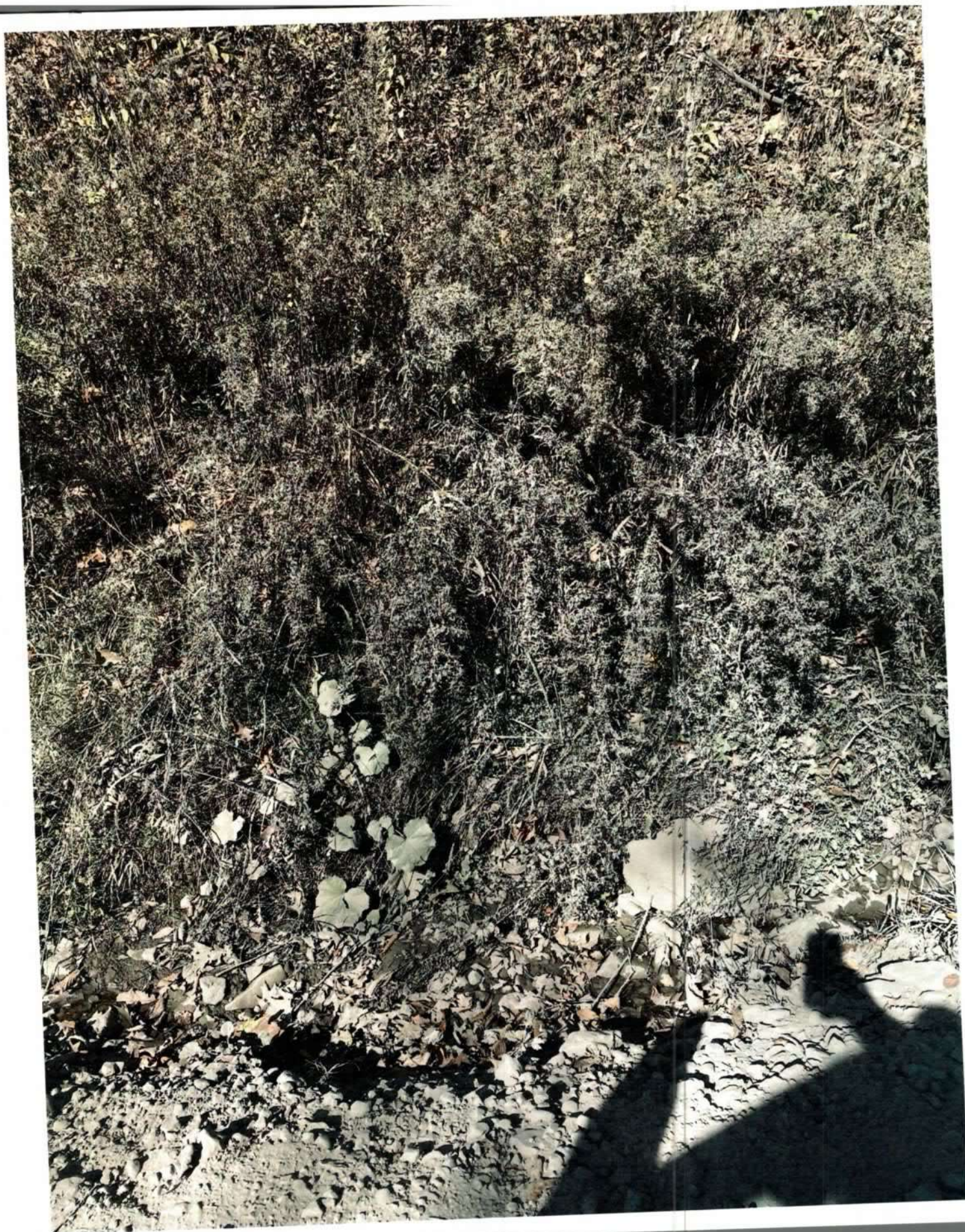














**Exhibit 16**  
**to Standing Declaration of Andrew W. Young**



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## West Virginia Department Of Environmental Protection

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## MR-15 NOTICE OF VIOLATION

| PERMIT<br>NUMBER | ORIGINAL INSPECTION |       | ENF STD DATA |      |         | VIOLATION ACTIVITY |       |            | INSP ID<br>NUMBER |
|------------------|---------------------|-------|--------------|------|---------|--------------------|-------|------------|-------------------|
|                  | DATE                | TIME  | FORM#        | FAC# | ENF STD | DATE               | TIME  | VIOLATION# |                   |
| O302211          | 04/27/2023          | 11:30 | 6 (rev 4/20) |      | 1000    | 04/27/2023         | 11:45 | 4          | 580               |

PERMITTEE NAME SOUTH FORK COAL COMPANY, LLC

OPERATOR NAME \_\_\_\_\_

MSHA ID# pending

NPDES #

WV1026593

OWNER/CONTROLLER \_\_\_\_\_

If different from above

CONTRACT BLASTING FIRM \_\_\_\_\_

BLASTER NAME \_\_\_\_\_

(CERT #) \_\_\_\_\_

Whereas an inspection of the above operation by the undersigned Authorized Representative of the Director was completed on the 27th day of April, 2023. The inspection revealed a violation of the provisions of Chapter 22, Article 3 of the Code of West Virginia. You are hereby notified that you are in violation of the provisions listed below.

WV CODE 22, Art. 3, Sect.

22-3-13(b)(17)

Reg 38-2-

4.7.a.8.

## [ DOV ] Description of Violation:

Company has allowed coal to spill on to the road surface in multiple locations of the haulroad. Company was seen by the inspector to be utilizing a front end loader and grader to begin to clean up these areas.

## [ REM ] Remedial Measures:

Clean up all coal from the affected areas and replace the road surface in these areas with a durable, non-toxic material.

MUST BE CORRECTED BY DATE 05/04/2023 08:00☒ NOV Issued☐ CO Modified to NOV☐ Resulted in Off-Site ImpactAUTH. COMPANY REPRESENTATIVE Michael JohnsonDELIVERY METHOD / DATE TIME Hand 4/27/2023 13:04:00

CERTIFIED MAIL NUMBER \_\_\_\_\_

ADDRESS 1295 ASHFORD HILL RD, ASHFORD, WV 25009WV DEP REP. Chase L CanterburyHarold D. Ward

[Secretary, Department of Environmental Protection]

04/27/2023

[WV DEP Rep/Date]

Contact Chase L Canterbury at (304) 574-4465 upon completion. Failure to complete the above measures within the above time period may result in a Cessation Order or revocation of the permit and forfeiture of the performance bond.



**Exhibit 17**  
**to Standing Declaration of Andrew W. Young**



MR-15

## West Virginia Department Of Environmental Protection

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## MR-15 NOTICE OF VIOLATION

| PERMIT<br>NUMBER | ORIGINAL INSPECTION |       | ENF STD DATA |      |         | VIOLATION ACTIVITY |       |            | INSP ID<br>NUMBER |
|------------------|---------------------|-------|--------------|------|---------|--------------------|-------|------------|-------------------|
|                  | DATE                | TIME  | FORM#        | FAC# | ENF STD | DATE               | TIME  | VIOLATION# |                   |
| O302211          | 08/29/2023          | 14:00 | 6 (rev 4/20) |      | 1000    | 08/29/2023         | 14:00 | 5          | 580               |

PERMITTEE NAME SOUTH FORK COAL COMPANY, LLC

OPERATOR NAME \_\_\_\_\_

MSHA ID# pending NPDES # WV1026593

OWNER/CONTROLLER \_\_\_\_\_ If different from above

CONTRACT BLASTING FIRM \_\_\_\_\_

BLASTER NAME \_\_\_\_\_  
(CERT #) \_\_\_\_\_

Whereas an inspection of the above operation by the undersigned Authorized Representative of the Director was completed on the 29th day of August, 2023. The inspection revealed a violation of the provisions of Chapter 22, Article 3 of the Code of West Virginia. You are hereby notified that you are in violation of the provisions listed below.

WV CODE 22, Art. 3, Sect.  
22-3-13(b)(17)

Reg 38-2-  
4.7.a.8.

## [ DOV ] Description of Violation:

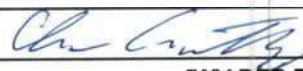
Company has allowed trucks to track raw coal from the stockpile area on to the haulroad causing it to be surfaced with a toxic material.

## [ REM ] Remedial Measures:

Remove and properly dispose of all affected road surface. Replace the road surface in the affected areas with a durable and non-toxic material.

MUST BE CORRECTED BY DATE 09/12/2023 14:00☒ NOV Issued☐ CO Modified to NOV☐ Resulted in Off-Site ImpactAUTH. COMPANY REPRESENTATIVE Jason MillerDELIVERY METHOD / DATE TIME Certified 8/30/2023 16:00:00CERTIFIED MAIL NUMBER 7021 1970 0001 7288 6166ADDRESS 1295 ASHFORD HILL RD, ASHFORD, WV 25009WV DEP REP. Chase L CanterburyHarold D. Ward

[Secretary, Department of Environmental Protection]

08/30/2023

[WV DEP Rep/Date]

Contact Chase L Canterbury at (304) 574-4465 upon completion. Failure to complete the above measures within the above time period may result in a Cessation Order or revocation of the permit and forfeiture of the performance bond.



**Exhibit 18**  
**to Standing Declaration of Andrew W. Young**



MR-15

## West Virginia Department Of Environmental Protection

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## MR-15 NOTICE OF VIOLATION

| PERMIT<br>NUMBER | ORIGINAL INSPECTION |       | ENF STD DATA |      |         | VIOLATION ACTIVITY |       |            | INSP ID<br>NUMBER |
|------------------|---------------------|-------|--------------|------|---------|--------------------|-------|------------|-------------------|
|                  | DATE                | TIME  | FORM#        | FAC# | ENF STD | DATE               | TIME  | VIOLATION# |                   |
| O302211          | 10/26/2023          | 12:15 | 6 (rev 4/20) |      | 1000    | 10/26/2023         | 12:15 | 6          | 580               |

PERMITTEE NAME SOUTH FORK COAL COMPANY, LLC

OPERATOR NAME \_\_\_\_\_

MSHA ID# pending NPDES # WV1026593

OWNER/CONTROLLER \_\_\_\_\_ if different from above

CONTRACT BLASTING FIRM \_\_\_\_\_

BLASTER NAME \_\_\_\_\_  
(CERT #) \_\_\_\_\_

Whereas an inspection of the above operation by the undersigned Authorized Representative of the Director was completed on the 26th day of October, 2023. The inspection revealed a violation of the provisions of Chapter 22, Article 3 of the Code of West Virginia. You are hereby notified that you are in violation of the provisions listed below.

WV CODE 22, Art. 3, Sect.  
22-3-13(b)(17)

Reg 38-2-  
4.7.a.8.

## [ DOV ] Description of Violation:

Company has allowed non-durable and toxic material to spill on the haulroad, in that, coal trucks have spilled coal on to the surface of the haulroad in several locations.

## [ REM ] Remedial Measures:

Remove all coal from the affected areas of the haulroad. Properly dispose of this material and replace it with a durable, non-toxic material.

MUST BE CORRECTED BY DATE 11/09/2023 12:15☒ NOV Issued☐ CO Modified to NOV☐ Resulted in Off-Site ImpactAUTH. COMPANY REPRESENTATIVE Michael JohnsonDELIVERY METHOD / DATE TIME Hand 10/26/2023 12:45:00

CERTIFIED MAIL NUMBER \_\_\_\_\_

ADDRESS 1295 ASHFORD HILL RD, ASHFORD, WV 25009WV DEP REP. Chase L CanterburyHarold D. Ward

[Secretary, Department of Environmental Protection]

10/26/2023

[WV DEP Rep/Date]

Contact Chase L Canterbury at (304) 574-4465 upon completion. Failure to complete the above measures within the above time period may result in a Cessation Order or revocation of the permit and forfeiture of the performance bond.



**Exhibit 19**  
**to Standing Declaration of Andrew W. Young**






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west virginia department of environmental protection

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Division of Mining and Reclamation  
601 57<sup>th</sup> Street, Charleston, WV 25304  
(304) 926-0490 Fax: (304) 926-0456

Harold D. Ward, Cabinet Secretary  
dep.wv.gov

**PATTERN OF VIOLATIONS  
NEGATIVE DETERMINATION**

**Date: March 22, 2024**

**Permit No. O302211**

**Permittee: South Fork Coal Company**

| Viol. No. | Enforcement Standard No. | Short Description of Viol.                       |
|-----------|--------------------------|--|
| 4         | 1000                     | Allowed coal to spill on road surface (haulroad) |
| 5         | 5                        | Haulroad tracked with raw coal                   |
| 6         | 1000                     | Material spills on haulroad                      |

**I have further reviewed the above referenced Notices of Violations and concur with the Regional Inspector Supervisor that the violations included therein do not constitute a pattern of violations as specified in Title 38, CSR 2, Section 20.4. This determination is based on the fact that NOV 5 had a negligence score of 1.**

 3/25/2024  
**Regional Assistant Director**  
**Division of Mining and Reclamation**

**Nicki Taylor**

Digitally signed by Nicki Taylor  
DN: cn = Nicki Taylor email = nicol.m.taylor@wv.gov c = AD O = DEP OU = DMRS  
Date: 2024.03.22 10:05:27 -0400

**Nicki Taylor, Assistant Director-Operations**  
**Division of Mining and Reclamation**



MR-10

Revised 09/2019

STATE OF WEST VIRGINIA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
DIVISION OF MINING AND RECLAMATION

## ***REQUEST FOR SHOW CAUSE ORDER***

Permittee Name: South Fork Coal Company Permit Number: O-302211

Mailing Address: 1295 Ashford Hill Road

Street Address (if mailing address is a Post Office Box) \_\_\_\_\_

City: Ashford State: WV Zip: 25009 Telephone No.: 304-951-2033

Date Permit Issued: 4/30/2013 Current Permitted Acres: 133.20

County: Greenbrier Magisterial District: Falling Springs Nearest Post Office: Renick, WV

Surface Owner(s): Weyerhaeuser

Date of Last Inspection: 2/8/24 Estimated Disturbed Acres at Last Inspection: 124.24

Has Mining Been Completed? ☐ Yes ☒ No  
Has Permit Been Phase I Released? ☐ Yes ☒ No

**Describe Circumstances Which Resulted in Request for Show Cause Order:**

Pattern of Violations

NOV #4: Issued 4/27/23 Company has allowed coal to spill on the road surface in multiple locations of the haulroad.

NOV #5: Issued 8/29/23 Company has allowed trucks to track raw coal from the stockpile area on to the haulroad causing it to be surfaced with a toxic material.

NOV #6: Issued 10/26/23 Company has allowed non-durable and toxic material to spill on the haulroad, in that, coal trucks have spilled coal on to the surface of the haulroad in several locations.

**NOTE:** Attach MR-10A, MR-10B, photos, and supporting documentation to this report.

Inspector Signature: [Signature] Date: 3/11/24

Supervisor Signature: [Signature] Date: 3-20-24

**Distribution:** Headquarters (original), Company, Supervisor, Inspector



**DEPARTMENT OF ENVIRONMENTAL PROTECTION****Mining and Reclamation****Violation History Details Report****For the period 2/26/2019 To 2/26/2024****For PERMIT: 0302211**

February 26, 2024

Page 1 of 4

| Responsible Party Name Permit Id | Violation Date   | V.No. | Type | Enf Std Desc. | Vio.Act.Date     | Eval. Desc. | Violation Activity Text   |
|----------------------------------|------------------|-------|------|---------------|------------------|-------------|---|
| SOUTH FORK COAL CO# 0302211      | 10/26/2023 12:15 | 6     | NOV  | Haul Roads    | 10/26/2023 12:15 | NOV Issued  | (DOV) Description of Violation: Company has allowed non-durable and toxic material to spill on the haulroad, in that, coal trucks have spilled coal on to the surface of the haulroad in several locations.                                       |
|                                  |                  |       |      |               |                  |             | (REM) Remedial Measures: Remove all coal from the affected areas of the haulroad. Properly dispose of this material and replace it with a durable, non-toxic material.  |
|                                  |                  |       |      |               | 12/14/2023 13:05 | Terminated  | (ATA) Action taken to abate: Company has cleaned up the coal in the affected areas.   |
|                                  | 08/29/2023 14:00 | 5     | NOV  | Haul Roads    | 08/29/2023 14:00 | NOV Issued  | (DOV) Description of Violation: Company has allowed trucks to track raw coal from the stockpile area on to the haulroad causing it to be surfaced with a toxic material.  |
|                                  |                  |       |      |               |                  |             | (REM) Remedial Measures: Remove and properly dispose of all affected road surface. Replace the road surface in the affected areas with a durable and non-toxic material.  |
|                                  |                  |       |      |               | 09/06/2023 15:23 | Terminated  | (ATA) Action taken to abate: Company has cleaned up the coal and has completed all necessary remedial measures.   |
|                                  | 04/27/2023 11:45 | 4     | NOV  | Haul Roads    | 04/27/2023 11:45 | NOV Issued  | (DOV) Description of Violation: Company has allowed coal to spill on to the road surface in multiple locations of the haulroad. Company was seen by the inspector to be utilizing a front end loader and grader to begin to clean up these areas. |
|                                  |                  |       |      |               |                  |             | (REM) Remedial Measures: Clean up all coal from the affected areas and replace the road surface in these areas with a durable, non-toxic material.  |
|                                  |                  |       |      |               | 05/09/2023 15:53 | Extended    | (ATA) Action taken to abate: Company has graded the road to remove the coal from the surface of the road in several locations.  |



**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

February 26, 2024

**Mining and Reclamation**

Page 2 of 4

**Violation History Details Report****For the period 2/26/2019 To 2/26/2024****For PERMIT: 0302211**

| Responsible Party Name Permit Id | Violation Date   | V.No. | Type | Enf Std Desc. | Vio.Act.Date     | Eval. Desc. | Violation Activity Text  |
|----------------------------------|------------------|-------|------|---------------|------------------|-------------|--|
| SOUTH FORK COAL CO# 0302211      | 04/27/2023 11:45 | 4     | NOV  | Haul Roads    | 05/30/2023 07:53 | Extended    | (ATA) Action taken to abate: Company has cleaned up the coal off of the affected haul road sections. Awaiting stone deliveries to re-surface these areas.  |
|                                  |                  |       |      |               | 05/31/2023 13:00 | Terminated  | (ATA) Action taken to abate: Company has successfully cleaned up coal from affected haul road locations. Stone has been re-placed in affected areas. All abatement measures have been met.   |
|                                  | 03/08/2023 11:15 | 3     | NOV  | Haul Roads    | 03/08/2023 11:15 | NOV Issued  | (DOV) Description of Violation: Company has failed to ensure that the maintenance of the haulroad prevents excessive dust from leaving the site.   |
|                                  |                  |       |      |               | 03/08/2023 13:32 | Terminated  | (REM) Remedial Measures: Use any acceptable dust suppressant to ensure that dust is under control.   |
|                                  |                  |       |      |               | 03/08/2023 13:32 | Terminated  | (ATA) Action taken to abate: Company is watering the road to suppress the dust.  |
| SOUTH FORK COAL CO# 0302211      | 03/02/2023 10:02 | 2     | NOV  | Haul Roads    | 03/02/2023 10:02 | NOV Issued  | (DOV) Description of Violation: Company has failed to control or prevent additional contributions of suspended solids to runoff outside the permit area in that sumps located at road marker 15 were discharging extremely discolored water from the haulroad. Samples taken show that water leaving the haulroad permit was discharging with a level of 724 mg/l. |
|                                  |                  |       |      |               |                  |             | (REM) Remedial Measures: Construct additional sumps to adequately control drainage in the area of violation so as to prevent future contributions of suspended solids to runoff outside the permit area.   |
|                                  |                  |       |      |               | 03/03/2023 14:20 | Terminated  | (ATA) Action taken to abate: Company has constructed more sumps to allow for better sediment control.  |



February 26, 2024  
Page 3 of 4

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**  
**Mining and Reclamation**  
**Violation History Details Report**  
**For the period 2/26/2019 To 2/26/2024**  
**For PERMIT: O302211**

| Responsible Party Name | Permit Id | Violation Date   | V.No. | Type | Enf Std Desc. | Vio.Act.Date     | Eval. Desc.        | Violation Activity Text  |
|------------------------|-----------|------------------|-------|------|---------------|------------------|--------------------|--|
| SOUTH FORK COAL CO     | O302211   | 03/03/2022 11:00 | 1     | NOV  | Haul Roads    | 03/03/2022 11:00 | NOV Issued         | <p>(DOV) Description of Violation: Failure to maintain the approved haulageway, in that multiple sections of the ditch are full of sediment, most of the sumps are full of sediment, many areas do not have a durable rock surface, and multiple areas are rutted causing drainage issues. Also, a few sections of the haulroad doesn't have sumps for the runoff to pass through before leaving the permit.</p> <p>(REM) Remedial Measures: Cleanout all sumps and ditches that are out of compliance. Regrade all areas of the road where needed to regain a proper pitch for drainage. Add gravel to all areas where it is needed. Also, construct sumps at every existing discharge point that doesn't have one. Make sure that all the sumps have 80 cu ft or more capacity. Use a series of sumps to achieve the required capacity in locations that you can't with one.</p> |
|                        |           |                  |       |      |               | 03/09/2022 11:30 | Remains in F (ATA) | <p>Action taken to abate: This follow-up is being completed to modify the current remedial measures in place based off of site conditions worsening and potential off-site impacts that can happen with each precipitation event moving forward. Also, the coal company is putting down non-durable material on the surface in areas that they are capping, creating additional problems.</p> <p>CEASE ALL HAULING OF COAL IMMEDIATELY.</p> <p>Remove all non-durable material that has been place on the surface. All original remedial measures remain in place as originally written</p>  |



**DEPARTMENT OF ENVIRONMENTAL PROTECTION****Mining and Reclamation****Violation History Details Report****For the period 2/26/2019 To 2/26/2024****For PERMIT: 0302211**February 26, 2024  
Page 4 of 4

| Responsible Party Name Permit Id | Violation Date   | V.No. | Type | Enf Std Desc. | Vio.Act.Date     | Eval. Desc. | Violation Activity Text  |
|----------------------------------|------------------|-------|------|---------------|------------------|-------------|--|
| SOUTH FORK COAL CO# 0302211      | 03/03/2022 11:00 | 1     | NOV  | Haul Roads    | 03/18/2022 14:00 | Extended    | (ATA) Action taken to abate: Company can resume hauling of coal.<br>Work on the haulroad is ongoing with multiple pieces of equipment. The company also brought in a rock crusher to help produce additional stone for the road. All remedial measures are still in place as originally written. |
|                                  |                  |       |      |               | 03/29/2022 12:30 | Extended    | (ATA) Action taken to abate: Company continuing to work on remedial measures with multiple pieces of equipment. Progress toward abatement needs to increase to prevent further disturbances.   |
|                                  |                  |       |      |               | 04/05/2022 11:30 | Extended    | (ATA) Action taken to abate: Company continuing to work on remedial measures with multiple pieces of equipment. The sediment control has been cleaned out and increased. Gravel is continuing to be added. Progress toward abatement needs to increase to prevent further disturbances.          |
|                                  |                  |       |      |               | 05/03/2022 12:45 | Extended    | (ATA) Action taken to abate: Company continuing to work on remedial measures with multiple pieces of equipment. The sediment control has been cleaned out and increased. Gravel is continuing to be added. Progress toward abatement needs to increase to prevent further disturbances.          |
|                                  |                  |       |      |               | 06/06/2022 08:00 | Extended    | (ATA) Action taken to abate: Extension request received. Company believes the haulroad has been restored to performance standards. They are continuing to do routine maintenance. This extension is given to allow time to do a follow-up on site.   |
|                                  |                  |       |      |               | 06/22/2022 11:00 | Terminated  | (ATA) Action taken to abate: The remedial measures have been completed. Routine maintenance is ongoing.  |



MR-10B

Revised 01/2020

**VIOLATION HISTORY FOR SHOW CAUSE**Describe below **ONLY** the history of violations which resulted in the attached "Request for Show Cause Order".

|   |                                   |
|---|-----------------------------------|
| <b>PERMITTEE</b> <u>South Fork Coal Company</u> | <b>PERMIT NO.</b> <u>O-302211</u> |
|---|-----------------------------------|

**VIOLATION #:** 4**DATE OF VIOLATION:** April 27, 2023**Description of Violation:**

Company has allowed coal to spill on to the road surface in multiple locations of the haulroad. Company was seen by the inspector to be utilizing a front end loader and grader to begin to clean up these areas.

Seriousness: 03 Negligence: 04 Good Faith: 2 History: 2

**If willful or unwarranted, describe:**

This violation is unwarranted in that the permittee failed to prevent its occurrence due to lack of diligence; the company did not make a great enough effort to clean up the affected areas in a timely manner and continued to allow the coal trucks to track coal on to the haulroad while remedial measures were being implemented.

**VIOLATION #:** 5**DATE OF VIOLATION:** August 29, 2023**Description of Violation:**

Company has allowed trucks to track raw coal from the stockpile area on to the haulroad causing it to be surfaced with a toxic material.

Seriousness: 2 Negligence: 1 Good Faith: 5 History: 3

**If willful or unwarranted, describe:**

This violation was willful, in that, the operator did not take the proper actions to ensure reasonable care was given to prevent this problem but initiated remedial measures and worked diligently to fix the issues upon receiving the violation.

**VIOLATION #:** 6**DATE OF VIOLATION:** October 26, 2023**Description of Violation:**

Company has allowed non-durable and toxic material to spill on the haulroad, in that, coal trucks have spilled coal on to the surface of the haulroad in several locations.

Seriousness: 4 Negligence: 4 Good Faith: 3 History: 4

**If willful or unwarranted, describe:**

This violation is willful in that the permittee failed to prevent its occurrence due to lack of diligence and failed to initiate any measures to control or remedy the issue. The permittee was continuing to allow the issue to happen after the violation was issued.



MR-10B

Revised 01/2020

|   |                                   |
|---|-----------------------------------|
| <b>PERMITTEE</b> <u>South Fork Coal Company</u> | <b>PERMIT NO.</b> <u>O-302211</u> |
|---|-----------------------------------|

|                     |                           |
|---------------------|---------------------------|
| <b>VIOLATION #:</b> | <b>DATE OF VIOLATION:</b> |
|---------------------|---------------------------|

|  |  |
|--|--|
| <b>Description of Violation:</b><br><br><br><br><br><br><br><br><br><br> |  |
|--|--|

|   |  |
|---|--|
| <b>If willful or unwarranted, describe:</b><br><br><br><br><br><br><br><br><br><br> |  |
|---|--|

|                     |                           |
|---------------------|---------------------------|
| <b>VIOLATION #:</b> | <b>DATE OF VIOLATION:</b> |
|---------------------|---------------------------|

|  |  |
|--|--|
| <b>Description of Violation:</b><br><br><br><br><br><br><br><br><br><br> |  |
|--|--|

|   |  |
|---|--|
| <b>If willful or unwarranted, describe:</b><br><br><br><br><br><br><br><br><br><br> |  |
|---|--|

|  |  |
|--|--|
| <b>Supervisor Recommendation:</b> <i>Negative determination based off of NOV#5 having a negligence score of 1.</i> |  |
|--|--|

|  |                               |
|--|-------------------------------|
| <br><b>I &amp; E Supervisor</b> | <b>3-20-24</b><br><b>Date</b> |
|--|-------------------------------|

|   |                               |
|---|-------------------------------|
| <br><b>Assistant Chief</b> | <b>3-20-24</b><br><b>Date</b> |
|---|-------------------------------|



MR-6 (rev 4/20)  
ERISWest Virginia Department of Environmental Protection  
MR-6 MINE INSPECTION REPORT

Page 1 of 1

| PERMIT<br>NUMBER | DATE       | INSPECTION |        |      | MINE<br>STATUS | PHOTOS | BLASTING      |             |
|------------------|------------|------------|--------|------|----------------|--------|---------------|-------------|
|                  |            | TIME       | REASON | TYPE |                |        | Last 30 Days? | Ins. Req'd? |
| O302211          | 04/27/2023 | 11:30      | RI     | P    | A4             | Yes    | No            | No          |

|                                 |            |                              |            |                  |            |                     |          |
|---------------------------------|------------|------------------------------|------------|------------------|------------|---------------------|----------|
| PERMITTEE NAME                  |            | SOUTH FORK COAL COMPANY, LLC |            | MSHA #           |            | pending             |          |
| OPERATOR NAME                   |            |                              |            | MR-19 DATE       |            |                     |          |
| NPDES #                         | WV1026593  | NPDES EXPR DATE              | 07/26/2023 | PERMIT EXPR DATE | 04/30/2023 |                     |          |
| PERMIT<br>ACRES                 | 133.20     | TOTAL<br>DISTBD              | 124.24     | RECLMD           | 10.35      | ANCIL-<br>LARY      | 113.89   |
|                                 |            | UNRECLMD                     | 0          |                  |            |                     |          |
| DATES: PH I                     |            | PH II                        |            | LAST AUG SEED    |            | MR-8                |          |
| LAST INSP<br>DATE               | 04/12/2023 | TYPE                         | C          | BOND<br>INC      | 1          | INC BONDED<br>ACRES | 133.20   |
|                                 |            | CUR<br>IBR#                  | 1          | CUR<br>REV#      | 2          |                     |          |
| EXPR DATES: INACT               |            | EMER RESP PLAN               |            | INS              |            | 07/01/2023          | BLAST AD |
| TIME USED (HRS)=> PERMIT REVIEW |            | 0.25                         | INSPECT    | 0.75             | TRAVEL     | 0.25                | REPORT   |
|                                 |            |                              |            |                  |            |                     | 0.25     |

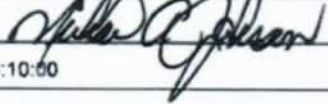
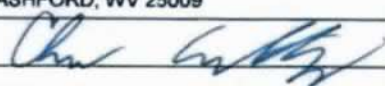
## INSPECTION COMMENTS

Coal has been spilled in several locations of the haulroad.

| ENFORCEMENT STANDARD                   | EVALUATION | VIO# | ENFORCEMENT STANDARD                | EVALUATION | VIO# |
|--|------------|------|-------------------------------------|------------|------|
| 0100 Distance Prohibited.....          |            |      | 0200 Exceeding Limits.....          |            |      |
| 0300 Signs and Markers.....            |            |      | 0400 Sediment Control.....          |            |      |
| 0500 Design Certification.....         |            |      | 0600 Effluent Limits.....           |            |      |
| 0700 Surface Water.....                |            |      | 0800 Ground Water.....              |            |      |
| 0900 Blasting Procedures.....          |            |      | 1000 Haul Roads.....                | NOV Issued | 4    |
| 1100 Refuse Impoundments.....          |            |      | 1200 Topsoil Handling.....          |            |      |
| 1300 Backfill / Grading.....           |            |      | 1400 Reclamation Schedule.....      |            |      |
| 1500 Revegetation Requirements.....    |            |      | 1600 Disposal of Excess Spoil.....  |            |      |
| 1700 Highwall Elimination.....         |            |      | 1800 Downslope Spoil Disposal.....  |            |      |
| 1900 Postmining Land Use.....          |            |      | 2000 Ceased Mining Temporarily..... |            |      |
| 2100 Acid bearing /Toxic Material..... |            |      | 2200 Method of Operations.....      |            |      |
| 2300 Change of Operator.....           |            |      | 2400 Permit Conditions.....         |            |      |
| 2500 Diversions and Drainage Control.. |            |      | 2600 Fugitive Dust Control.....     |            |      |
| 2700 Subsidence Plan.....              |            |      | 2800 Insurance Current.....         |            |      |
| 2900 Bonding Current.....              |            |      | 3000 Other Conditions.....          |            |      |

## WATER QUALITY TESTS

| In-Stream Station | pH | Fe | Mn | Al | NF | Flow | Units | Temp | Units | Sp Cond | Units |
|-------------------|----|----|----|----|----|------|-------|------|-------|---------|-------|
|                   |    |    |    |    |    |      |       |      |       |         |       |
|                   |    |    |    |    |    |      |       |      |       |         |       |
|                   |    |    |    |    |    |      |       |      |       |         |       |
|                   |    |    |    |    |    |      |       |      |       |         |       |

|                              |   |  |
|------------------------------|---|--|
| AUTH. COMPANY REPRESENTATIVE | Michael Johnson                         |  |
| DELIVERY METHOD / DATE TIME  | Hand 4/27/2023 13:10:00                 |  |
| CERTIFIED MAIL NUMBER        |   |  |
| ADDRESS                      | 1295 ASHFORD HILL RD, ASHFORD, WV 25009 |  |
| WV DEP REP.                  | Chase L Canterbury                      |   |



MR-15

## West Virginia Department Of Environmental Protection

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ERIS

## MR-15 NOTICE OF VIOLATION

| PERMIT<br>NUMBER | ORIGINAL INSPECTION |       | ENF STD DATA |      |         | VIOLATION ACTIVITY |       |            | INSP ID<br>NUMBER |
|------------------|---------------------|-------|--------------|------|---------|--------------------|-------|------------|-------------------|
|                  | DATE                | TIME  | FORM#        | FAC# | ENF STD | DATE               | TIME  | VIOLATION# |                   |
| O302211          | 04/27/2023          | 11:30 | 6 (rev 4/20) |      | 1000    | 04/27/2023         | 11:45 | 4          | 580               |

PERMITTEE NAME SOUTH FORK COAL COMPANY, LLC

OPERATOR NAME \_\_\_\_\_

MSHA ID# pending

NPDES #

WV1026593

OWNER/CONTROLLER \_\_\_\_\_

If \_\_\_\_\_ from \_\_\_\_\_

CONTRACT BLASTING FIRM \_\_\_\_\_

BLASTER NAME \_\_\_\_\_

(CERT #) \_\_\_\_\_

Whereas an inspection of the above operation by the undersigned Authorized Representative of the Director was completed on the 27th day of April, 2023. The inspection revealed a violation of the provisions of Chapter 22, Article 3 of the Code of West Virginia. You are hereby notified that you are in violation of the provisions listed below.

WV CODE 22, Art. 3, Sect.

Reg 38-2-

22-3-13(b)(17)

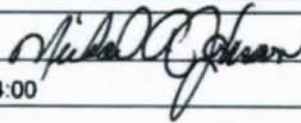
4.7.a.8.

## [ DOV ] Description of Violation:

Company has allowed coal to spill on to the road surface in multiple locations of the haulroad. Company was seen by the inspector to be utilizing a front end loader and grader to begin to clean up these areas.

## [ REM ] Remedial Measures:

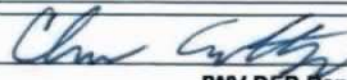
Clean up all coal from the affected areas and replace the road surface in these areas with a durable, non-toxic material.

MUST BE CORRECTED BY DATE 05/04/2023 08:00☒ NOV Issued☐ CO Modified to NOV☐ Resulted In Off-Site ImpactAUTH. COMPANY REPRESENTATIVE Michael JohnsonDELIVERY METHOD / DATE TIME Hand 4/27/2023 13:04:00

CERTIFIED MAIL NUMBER \_\_\_\_\_

ADDRESS 1295 ASHFORD HILL RD, ASHFORD, WV 25009WV DEP REP. Chase L CanterburyHarold D. Ward

[Secretary, Department of Environmental Protection]

04/27/2023

[WV DEP Rep/Date]

Contact Chase L Canterbury at (304) 574-4465 upon completion. Failure to complete the above measures within the above time period may result in a Cessation Order or revocation of the permit and forfeiture of the performance bond.





















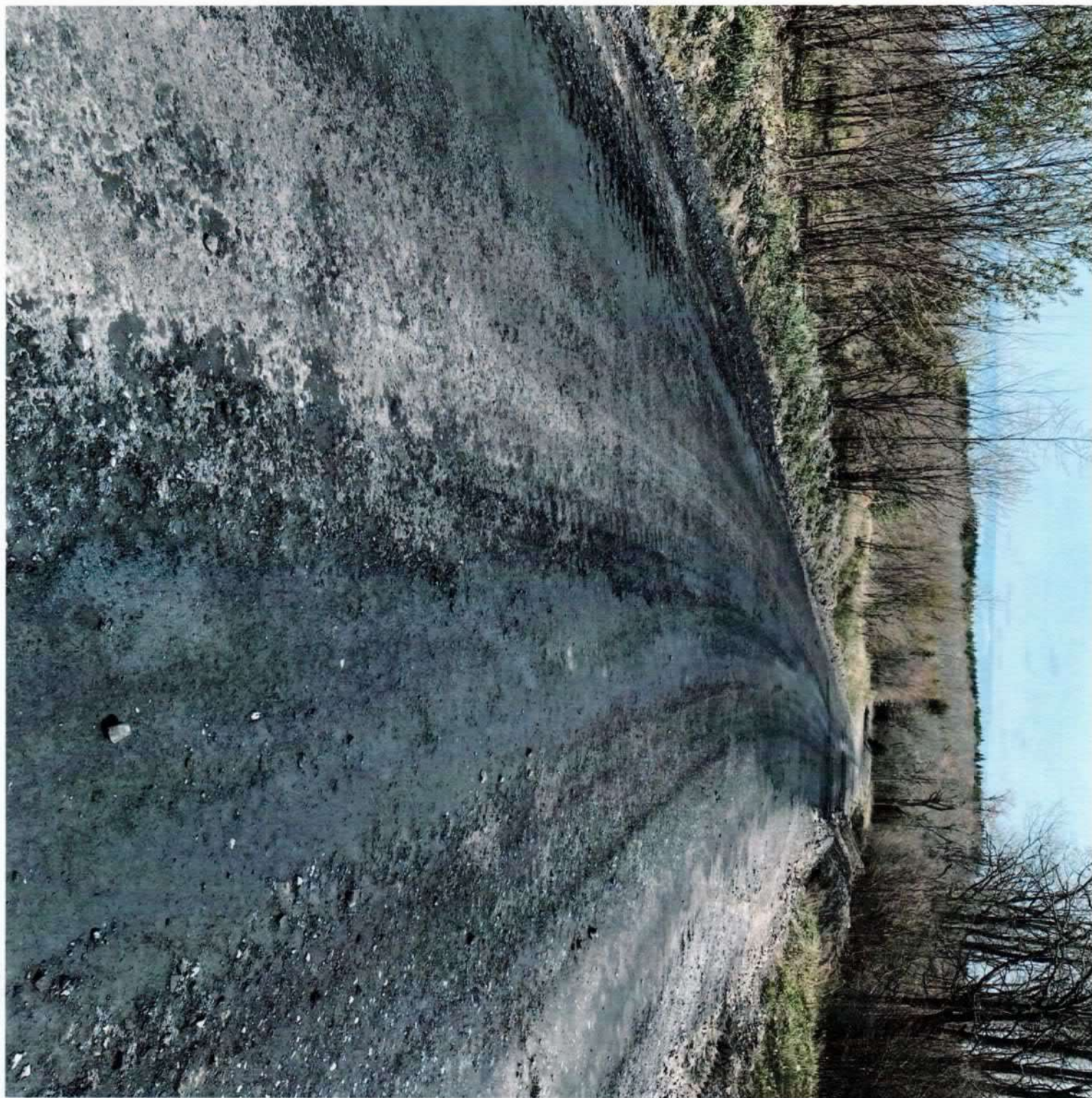














MR-16

## West Virginia Department Of Environmental Protection

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ERIS

## MR-16 VIOLATION FOLLOW-UP INSPECTION REPORT

| PERMIT<br>NUMBER | ORIGINAL INSPECTION AND VIOLATION DATA |       |              |       |         |                | NEW VIOLATION ACTIVITY |       |
|------------------|--|-------|--------------|-------|---------|----------------|------------------------|-------|
|                  | DATE                                   | TIME  | FORM #       | FAC # | ENF STD | ORIGINAL VIOL# | DATE                   | TIME  |
| O302211          | 04/27/2023                             | 11:30 | 6 (rev 4/20) |       | 1000    | 4              | 05/09/2023             | 15:53 |

PERMITTEE NAME SOUTH FORK COAL COMPANY, LLC

Violation is hereby: ☐ Terminated ☐ Withdrawn ☐ Remains in force as written ☐ Show Cause submitted  
☒ Extended to 05/11/2023 at 08:00 ☐ NOV modified to CO #        ☐ CO modified to NOV #       

Action taken to abate:

Company has graded the road to remove the coal from the surface of the road in several locations.

## INSPECTOR'S CIVIL PENALTY ASSESSMENT RECOMMENDATION (check)

Seriousness: 1 ☐ 2 ☐ 3 ☒ 4 ☐ 5 ☐ 6 ☐ 7 ☐ 8 ☐ 9 ☐ 10 ☐ Negligence: 0 ☐ 1 ☐ 2 ☐ 3 ☐ 4 ☒ 5 ☐ 6 ☐ 7 ☐ 8 ☐Good Faith: 0 ☐ 1 ☐ 2 ☒ 3 ☐ 4 ☐ 5 ☐ 6 ☐ 7 ☐ 8 ☐Consent Agreement in effect? ☐ Yes ☒ No

Comments:

AUTH. COMPANY REPRESENTATIVE Jason MillerDELIVERY METHOD / DATE TIME Certified 5/9/2023 16:00:00CERTIFIED MAIL NUMBER 7021 1970 0001 7290 6802ADDRESS 1295 ASHFORD HILL RD, ASHFORD, WV 25009WV DEP REP. Chase L CanterburyHarold D. Ward

[Secretary, Department of Environmental Protection]

Chase Canterbury  
[WV DEP Representative]5/9/23

Date

Names of individuals at informal Conference:

Results: CO was: ☐ Upheld ☐ Modified ☐ Terminated ☐ Withdrawn

Comments:

SUPERVISOR: \_\_\_\_\_ DATE: \_\_\_\_\_ TIME: \_\_\_\_\_

COMPANY REPRESENTATIVE: \_\_\_\_\_ DATE: \_\_\_\_\_



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Delivered, Left with Individual

ASHFORD, WV 25009

May 11, 2023, 10:08 am

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Product Information



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Track Another Package

Enter tracking or barcode numbers



ERIS

## MR-16 VIOLATION FOLLOW-UP INSPECTION REPORT

| PERMIT<br>NUMBER | ORIGINAL INSPECTION AND VIOLATION DATA |       |              |       |         |                | NEW VIOLATION ACTIVITY |       |
|------------------|--|-------|--------------|-------|---------|----------------|------------------------|-------|
|                  | DATE                                   | TIME  | FORM #       | FAC # | ENF STD | ORIGINAL VIOL# | DATE                   | TIME  |
| O302211          | 04/27/2023                             | 11:30 | 6 (rev 4/20) |       | 1000    | 4              | 05/30/2023             | 07:53 |

PERMITTEE NAME SOUTH FORK COAL COMPANY, LLC

Violation is hereby: ☐ Terminated ☐ Withdrawn ☐ Remains in force as written ☐ Show Cause submitted

☒ Extended to 06/12/2023 at 08:00 ☐ NOV modified to CO #        ☐ CO modified to NOV #       

**Action taken to abate:**

Company has cleaned up the coal off of the affected haul road sections. Awaiting stone deliveries to re-surface these areas.

## INSPECTOR'S CIVIL PENALTY ASSESSMENT RECOMMENDATION (check)

Seriousness: 1 ☐ 2 ☐ 3 ☒ 4 ☐ 5 ☐ 6 ☐ 7 ☐ 8 ☐ 9 ☐ 10 ☐ Negligence: 0 ☐ 1 ☐ 2 ☐ 3 ☐ 4 ☒ 5 ☐ 6 ☐ 7 ☐ 8 ☐

Good Faith: 0 ☐ 1 ☐ 2 ☒ 3 ☐ 4 ☐ 5 ☐ 6 ☐ 7 ☐ 8 ☐ Consent Agreement in effect? ☐ Yes ☒ No

Comments:

**AUTH. COMPANY REPRESENTATIVE** Jason Miller

DELIVERY METHOD / DATE TIME Mail 5/30/2023 16:00:00

**CERTIFIED MAIL NUMBER**

**ADDRESS** 1295 ASHFORD HILL RD, ASHFORD, WV 25009

WV DEP REP. Chase L Canterbury

Harold D. Ward

[Secretary, Department of Environmental Protection]

[WV DEP Representative]

5/30/23  
Date

**Names of individuals at informal Conference:**

|                  |                                 |                                   |                                     |                                    |
|------------------|---------------------------------|-----------------------------------|-------------------------------------|------------------------------------|
| Results: CO was: | <input type="checkbox"/> Upheld | <input type="checkbox"/> Modified | <input type="checkbox"/> Terminated | <input type="checkbox"/> Withdrawn |
|------------------|---------------------------------|-----------------------------------|-------------------------------------|------------------------------------|

Comments:

SUPERVISOR: \_\_\_\_\_ DATE: \_\_\_\_\_ TIME: \_\_\_\_\_

COMPANY REPRESENTATIVE: \_\_\_\_\_ DATE: \_\_\_\_\_



MR-16

## West Virginia Department Of Environmental Protection

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ERIS

## MR-16 VIOLATION FOLLOW-UP INSPECTION REPORT

| PERMIT<br>NUMBER | ORIGINAL INSPECTION AND VIOLATION DATA |       |              |       |         |                | NEW VIOLATION ACTIVITY |       |
|------------------|--|-------|--------------|-------|---------|----------------|------------------------|-------|
|                  | DATE                                   | TIME  | FORM #       | FAC # | ENF STD | ORIGINAL VIOL# | DATE                   | TIME  |
| O302211          | 04/27/2023                             | 11:30 | 6 (rev 4/20) |       | 1000    | 4              | 05/31/2023             | 13:00 |

PERMITTEE NAME SOUTH FORK COAL COMPANY, LLC

Violation is hereby: ☒ Terminated ☐ Withdrawn ☐ Remains in force as written ☐ Show Cause submitted  
☐ Extended to \_\_\_\_\_ at \_\_\_\_\_ ☐ NOV modified to CO # \_\_\_\_\_ ☐ CO modified to NOV # \_\_\_\_\_

Action taken to abate:

Company has successfully cleaned up coal from affected haul road locations. Stone has been re-placed in affected areas. All abatement measures have been met.

## INSPECTOR'S CIVIL PENALTY ASSESSMENT RECOMMENDATION (check)

Seriousness: 1 ☐ 2 ☐ 3 ☒ 4 ☐ 5 ☐ 6 ☐ 7 ☐ 8 ☐ 9 ☐ 10 ☐ Negligence: 0 ☐ 1 ☐ 2 ☐ 3 ☐ 4 ☒ 5 ☐ 6 ☐ 7 ☐ 8 ☐

Good Faith: 0 ☐ 1 ☐ 2 ☒ 3 ☐ 4 ☐ 5 ☐ 6 ☐ 7 ☐ 8 ☐

Consent Agreement in effect? ☐ Yes ☒ No

Comments:

AUTH. COMPANY REPRESENTATIVE Jason MillerDELIVERY METHOD / DATE TIME Certified 6/2/2023 16:00:00CERTIFIED MAIL NUMBER 7022 3330 0001 4161 7884ADDRESS 1295 ASHFORD HILL RD, ASHFORD, WV 25009WV DEP REP. Chase L CanterburyHarold D. Ward

[Secretary, Department of Environmental Protection]

Chase Canterbury  
[WV DEP Representative]6/2/23  
Date

Names of individuals at informal Conference:

Results: CO was: ☐ Upheld ☐ Modified ☐ Terminated ☐ Withdrawn

Comments:

SUPERVISOR: \_\_\_\_\_ DATE: \_\_\_\_\_ TIME: \_\_\_\_\_

COMPANY REPRESENTATIVE: \_\_\_\_\_ DATE: \_\_\_\_\_



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☐ Adult Signature Required \$   
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 Postage  
**\$ .60**

**Total Postage and Fees**  
**\$ 8.10**

Sent To  
**South Fork Coal Company, LLC**  
**1295 Ashford Hill Rd.**  
**Ashford, WV 25009**

Street and  
 City, State

PS Form 3800, April 2015 PSN 7530-02-000-9007 See Reverse for Instructions

4892 1974 1000 0000 2202

Postmark  
 JUN 05 2015



MR-6 (rev 4/20)  
ERISWest Virginia Department of Environmental Protection  
MR-6 MINE INSPECTION REPORT

Page 1 of 1

| PERMIT<br>NUMBER | DATE       | INSPECTION |        |      | MINE<br>STATUS | PHOTOS | BLASTING      |             |
|------------------|------------|------------|--------|------|----------------|--------|---------------|-------------|
|                  |            | TIME       | REASON | TYPE |                |        | Last 30 Days? | Ins. Req'd? |
| O302211          | 08/29/2023 | 14:00      | RI     | P    | A4             | Yes    | No            | No          |

|                   |               |                              |            |                  |            |                     |        |
|-------------------|---------------|------------------------------|------------|------------------|------------|---------------------|--------|
| PERMITTEE NAME    |               | SOUTH FORK COAL COMPANY, LLC |            | MSHA #           |            | pending             |        |
| OPERATOR NAME     |               |                              |            | MR-19 DATE       |            |                     |        |
| NPDES #           | WV1026593     | NPDES EXPR DATE              | 03/03/2028 | PERMIT EXPR DATE | 04/30/2028 |                     |        |
| PERMIT<br>ACRES   | 133.20        | TOTAL<br>DISTBD              | 124.24     | RECLMD           | 10.35      | ANCIL-<br>LARY      | 113.89 |
|                   |               | UNRECLMD                     | 0          |                  |            |                     |        |
| DATES: PH I       |               | PH II                        |            | LAST AUG SEED    | MR-8       |                     |        |
| LAST INSP<br>DATE | 07/12/2023    | TYPE                         | C          | BOND<br>INC      | 1          | INC BONDED<br>ACRES | 133.20 |
|                   |               | CUR<br>IBR#                  | 1          | CUR<br>REV#      | 2          |                     |        |
| EXPR DATES: INACT |               | EMER RESP PLAN               |            | INS              | 07/01/2024 | BLAST AD            |        |
| TIME USED (HRS)=> | PERMIT REVIEW | 0.25                         | INSPECT    | 0.50             | TRAVEL     | 1.00                | REPORT |
|                   |               |                              |            |                  |            |                     | 0.25   |

## INSPECTION COMMENTS

Trucks are tracking raw coal from the stockpile area on to the haulroad.

| ENFORCEMENT STANDARD                   | EVALUATION | VIO# | ENFORCEMENT STANDARD                | EVALUATION | VIO# |
|--|------------|------|-------------------------------------|------------|------|
| 0100 Distance Prohibited.....          |            |      | 0200 Exceeding Limits.....          |            |      |
| 0300 Signs and Markers.....            |            |      | 0400 Sediment Control.....          |            |      |
| 0500 Design Certification.....         |            |      | 0600 Effluent Limits.....           |            |      |
| 0700 Surface Water.....                |            |      | 0800 Ground Water.....              |            |      |
| 0900 Blasting Procedures.....          |            |      | 1000 Haul Roads.....                | NOV Issued | 5    |
| 1100 Refuse Impoundments.....          |            |      | 1200 Topsoil Handling.....          |            |      |
| 1300 Backfill / Grading.....           |            |      | 1400 Reclamation Schedule.....      |            |      |
| 1500 Revegetation Requirements.....    |            |      | 1600 Disposal of Excess Spoil.....  |            |      |
| 1700 Highwall Elimination.....         |            |      | 1800 Downslope Spoil Disposal.....  |            |      |
| 1900 Postmining Land Use.....          |            |      | 2000 Ceased Mining Temporarily..... |            |      |
| 2100 Acid bearing /Toxic Material..... |            |      | 2200 Method of Operations.....      |            |      |
| 2300 Change of Operator.....           |            |      | 2400 Permit Conditions.....         |            |      |
| 2500 Diversions and Drainage Control.. |            |      | 2600 Fugitive Dust Control.....     |            |      |
| 2700 Subsidence Plan.....              |            |      | 2800 Insurance Current.....         |            |      |
| 2900 Bonding Current.....              |            |      | 3000 Other Conditions.....          |            |      |

## WATER QUALITY TESTS

| In-Stream Station | pH | Fe | Mn | Al | NF | Flow | Units | Temp | Units | Sp Cond | Units |
|-------------------|----|----|----|----|----|------|-------|------|-------|---------|-------|
|                   |    |    |    |    |    |      |       |      |       |         |       |
|                   |    |    |    |    |    |      |       |      |       |         |       |
|                   |    |    |    |    |    |      |       |      |       |         |       |
|                   |    |    |    |    |    |      |       |      |       |         |       |

AUTH. COMPANY REPRESENTATIVE Jason Miller

DELIVERY METHOD / DATE TIME Certified 8/30/2023 16:00:00

CERTIFIED MAIL NUMBER 7021 1970 0001 7288 6166

ADDRESS 1295 ASHFORD HILL RD, ASHFORD, WV 25009

WV DEP REP. Chase L Canterbury



MR-15

## West Virginia Department Of Environmental Protection

Page 1 of 1

ERIS

## MR-15 NOTICE OF VIOLATION

| PERMIT<br>NUMBER | ORIGINAL INSPECTION |       | ENF STD DATA |      |         | VIOLATION ACTIVITY |       |            | INSP ID<br>NUMBER |
|------------------|---------------------|-------|--------------|------|---------|--------------------|-------|------------|-------------------|
|                  | DATE                | TIME  | FORM#        | FAC# | ENF STD | DATE               | TIME  | VIOLATION# |                   |
| O302211          | 08/29/2023          | 14:00 | 6 (rev 4/20) |      | 1000    | 08/29/2023         | 14:00 | 5          | 580               |

PERMITTEE NAME SOUTH FORK COAL COMPANY, LLC

OPERATOR NAME \_\_\_\_\_

MSHA ID# pending

NPDES #

WV1026593

OWNER/CONTROLLER \_\_\_\_\_

If different from above

CONTRACT BLASTING FIRM \_\_\_\_\_

BLASTER NAME \_\_\_\_\_

(CERT #) \_\_\_\_\_

Whereas an inspection of the above operation by the undersigned Authorized Representative of the Director was completed on the 29th day of August, 2023. The inspection revealed a violation of the provisions of Chapter 22, Article 3 of the Code of West Virginia. You are hereby notified that you are in violation of the provisions listed below.

WV CODE 22, Art. 3, Sect.

Reg 38-2-

22-3-13(b)(17)

4.7.a.8.

## [ DOV ] Description of Violation:

Company has allowed trucks to track raw coal from the stockpile area on to the haulroad causing it to be surfaced with a toxic material.

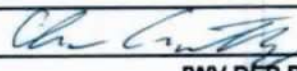
## [ REM ] Remedial Measures:

Remove and properly dispose of all affected road surface. Replace the road surface in the affected areas with a durable and non-toxic material.

MUST BE CORRECTED BY DATE 09/12/2023 14:00☒ NOV Issued☐ CO Modified to NOV☐ Resulted in Off-Site ImpactAUTH. COMPANY REPRESENTATIVE Jason MillerDELIVERY METHOD / DATE TIME Certified 8/30/2023 16:00:00CERTIFIED MAIL NUMBER 7021 1970 0001 7288 6166ADDRESS 1295 ASHFORD HILL RD, ASHFORD, WV 25009WV DEP REP. Chase L Canterbury

Harold D. Ward

[Secretary, Department of Environmental Protection]



08/30/2023

[WV DEP Rep/Date]

Contact Chase L Canterbury at (304) 574-4465 upon completion. Failure to complete the above measures within the above time period may result in a Cessation Order or revocation of the permit and forfeiture of the performance bond.



9979 8822 1000 0267 1202

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Total Postage and Fees 8.53

Sent To  
South Fork Coal Company, LLC  
1295 Ashtford Hill Rd  
Ashtford, WV 25009

City, St

PS Form 3800, April 2015 PSN 7530-02-000-9001 See Reverse for Instructions



| SENDER: COMPLETE THIS SECTION   |  | COMPLETE THIS SECTION ON DELIVERY  |  |
|---|--|--|--|
| <p>■ Complete items 1, 2, and 3.</p> <p>■ Print your name and address on the reverse so that we can return the card to you.</p> <p>■ Attach this card to the back of the mailpiece, or on the front if space permits.</p> <p>1. Article Addressed to:</p> <p>South Fork Coal Company, LLC<br/>1295 Ashford Hill Rd.<br/>Ashford, WV 25009</p> <p>9590 9402 8107 2349 5027 84</p> <p>Article Number (Transfer from previous label)</p> <p>7021 1970 0001 7288 6166</p> <p>PS Form 3811, July 2020 PSN 7530-02-000-9053</p> |  | <p>A. Signature <u>[Signature]</u> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) <u>[Signature]</u> <input type="checkbox"/> Date of Delivery <u>SEP 05 2023</u></p> <p>C. Is delivery address different from item 1? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>D. If YES, enter delivery address below:</p> <p>3. Service Type</p> <p><input type="checkbox"/> Adult Signature Restricted Delivery</p> <p><input type="checkbox"/> Adult Signature Restricted Delivery</p> <p><input type="checkbox"/> Certified Mail®</p> <p><input type="checkbox"/> Certified Mail Restricted Delivery</p> <p><input type="checkbox"/> Collect on Delivery</p> <p><input type="checkbox"/> Collect on Delivery Restricted Delivery</p> <p><input type="checkbox"/> Insured Mail</p> <p><input type="checkbox"/> Insured Mail Restricted Delivery (over \$500)</p> <p><input type="checkbox"/> Priority Mail Express®</p> <p><input type="checkbox"/> Registered Mail™</p> <p><input type="checkbox"/> Registered Mail Restricted Delivery</p> <p><input type="checkbox"/> Signature Confirmation™</p> <p><input type="checkbox"/> Signature Confirmation Restricted Delivery</p> <p>Domestic Return Receipt</p> |  |



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ASHFORD, WV 25009

September 2, 2023, 9:59 am

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Product Information



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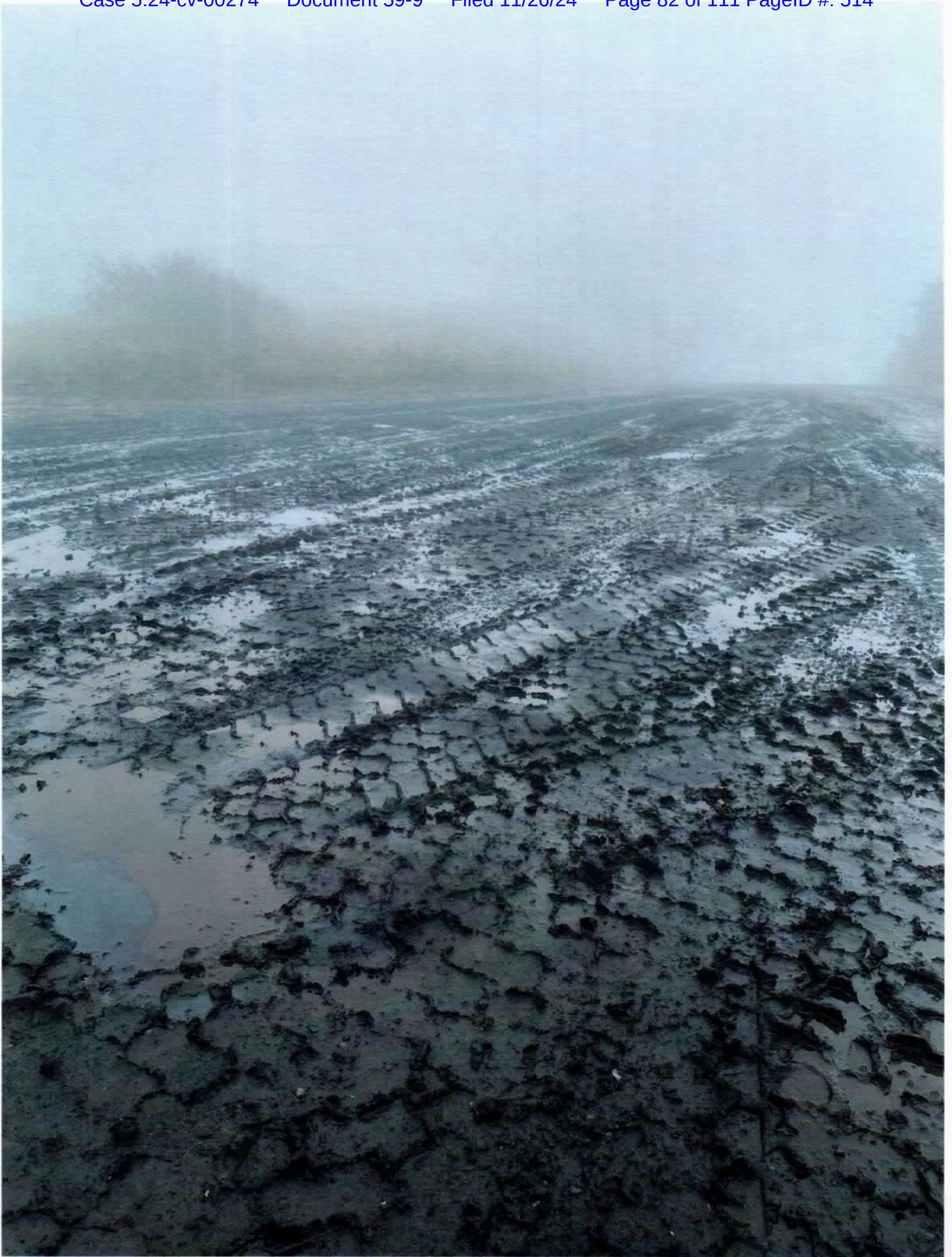














MR-16

## West Virginia Department Of Environmental Protection

Page 1 of 1

ERIS

## MR-16 VIOLATION FOLLOW-UP INSPECTION REPORT

| PERMIT<br>NUMBER | ORIGINAL INSPECTION AND VIOLATION DATA |       |              |       |         |                | NEW VIOLATION ACTIVITY |       |
|------------------|--|-------|--------------|-------|---------|----------------|------------------------|-------|
|                  | DATE                                   | TIME  | FORM #       | FAC # | ENF STD | ORIGINAL VIOL# | DATE                   | TIME  |
| O302211          | 08/29/2023                             | 14:00 | 6 (rev 4/20) |       | 1000    | 5              | 09/06/2023             | 15:23 |

PERMITTEE NAME SOUTH FORK COAL COMPANY, LLC

Violation is hereby: ☒ Terminated ☐ Withdrawn ☐ Remains in force as written ☐ Show Cause submitted

☐ Extended to \_\_\_\_\_ at \_\_\_\_\_ ☐ NOV modified to CO # \_\_\_\_\_ ☐ CO modified to NOV # \_\_\_\_\_

Action taken to abate:

Company has cleaned up the coal and has completed all necessary remedial measures.

## INSPECTOR'S CIVIL PENALTY ASSESSMENT RECOMMENDATION (check)

Seriousness: 1 ☐ 2 ☒ 3 ☐ 4 ☐ 5 ☐ 6 ☐ 7 ☐ 8 ☐ 9 ☐ 10 ☐ Negligence: 0 ☐ 1 ☒ 2 ☐ 3 ☐ 4 ☐ 5 ☐ 6 ☐ 7 ☐ 8 ☐Good Faith: 0 ☐ 1 ☐ 2 ☐ 3 ☐ 4 ☐ 5 ☒ 6 ☐ 7 ☐ 8 ☐Consent Agreement in effect? ☐ Yes ☒ No

Comments:

AUTH. COMPANY REPRESENTATIVE Jason MillerDELIVERY METHOD / DATE TIME Mail 9/6/2023 16:00:00

CERTIFIED MAIL NUMBER \_\_\_\_\_

ADDRESS 1295 ASHFORD HILL RD, ASHFORD, WV 25009WV DEP REP. Chase L CanterburyHarold D. Ward

[Secretary, Department of Environmental Protection]

Chase L Canterbury  
[WV DEP Representative]9/6/23  
Date

Names of individuals at informal Conference:

Results: CO was: ☐ Upheld ☐ Modified ☐ Terminated ☐ Withdrawn

Comments:

SUPERVISOR: \_\_\_\_\_ DATE: \_\_\_\_\_ TIME: \_\_\_\_\_

COMPANY REPRESENTATIVE: \_\_\_\_\_ DATE: \_\_\_\_\_



05/2020

STATE OF WEST VIRGINIA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
**DIVISION OF MINING AND RECLAMATION**  
**CONFERENCE FINDINGS**

Company: South Fork Coal Company LLCPermit: Q302211Violation: 5

|                    | Pre-Conference | Conference | Final Amount |
|--------------------|----------------|------------|--------------|
| Seriousness Score: | 2              | 2          | \$ 200.00    |
| Comments:          |                |            |              |
| Negligence Score:  | 1              | 1          | \$ 100.00    |
| Comments:          |                |            |              |
| Good Faith Score:  | 5              | 5          | \$ -75.00    |
| Comments:          |                |            |              |
| History:           | 3              | 3          | \$ 300.00    |
| Comments:          |                |            |              |

**Total:** \$ 525.00**DECISION**

Original Assessment Upheld: \$ 525.00  
 Assessment raised to: \$  
 Fact and Penalty Vacated:   
 Violation Withdrawn by Inspector:   
 Final Amount Due: \$ 525.00  
 Company did not appear or reschedule:   
 Assessment Reduced to: \$  
 Fact Upheld, Penalty Vacated:

Date: January 9, 2024


Signature, Assessment Officer

**To insure proper credit, include the permit and violation number with your payment!**

Within 30 days, the above amount is due and payable to the West Virginia Division of Environmental Protection, 601 57<sup>th</sup> Street, Charleston, WV 25304. Failure to pay in the required time will result in all permitting actions for your company being blocked and may result in permit suspension.

If you wish to contest the results of this conference, pursuant to West Virginia Code 22-3-17(d)(1), you may request a formal hearing before the Surface Mine Board within 15 days of your receipt of this decision. If you choose to request a formal hearing before the Board, your request and the full amount of the final assessment to be placed in escrow pursuant to West Virginia Code 22-3-17(d)(1)(B) must be forwarded to the West Virginia Surface Mine Board, 601 57<sup>th</sup> Street, Charleston, WV 25304.

Received by Company Representative: X Charles [Signature]State Representative: [Signature]I concur with the findings ☒Worksheet Mailed Certified to Company ☐



MR-6 (rev 4/20)

West Virginia Department of Environmental Protection

Page 1 of 1

ERIS

## MR-6 MINE INSPECTION REPORT

| PERMIT<br>NUMBER | DATE       | INSPECTION |        |      | MINE<br>STATUS | PHOTOS | BLASTING      |             |
|------------------|------------|------------|--------|------|----------------|--------|---------------|-------------|
|                  |            | TIME       | REASON | TYPE |                |        | Last 30 Days? | Ins. Req'd? |
| O302211          | 10/26/2023 | 12:15      | RI     | P    | A4             | Yes    | No            | No          |

|                                 |            |                              |            |                  |            |                     |        |             |   |
|---------------------------------|------------|------------------------------|------------|------------------|------------|---------------------|--------|-------------|---|
| PERMITTEE NAME                  |            | SOUTH FORK COAL COMPANY, LLC |            |                  |            | MSHA #              |        | pending     |   |
| OPERATOR NAME                   |            |                              |            |                  |            | MR-19 DATE          |        |             |   |
| NPDES #                         | WV1026593  | NPDES EXPR DATE              | 03/03/2028 | PERMIT EXPR DATE | 04/30/2028 |                     |        |             |   |
| PERMIT<br>ACRES                 | 133.20     | TOTAL<br>DISTBD              | 124.24     | RECLMD           | 10.35      | ANCIL-<br>LARY      | 113.89 | UNRECLMD    | 0 |
| DATES: PH I                     |            | PH II                        |            | LAST AUG SEED    |            | MR-8                |        |             |   |
| LAST INSP<br>DATE               | 10/12/2023 | TYPE                         | C          | BOND<br>INC      | 1          | INC BONDED<br>ACRES | 133.20 | CUR<br>IBR# | 1 |
|                                 |            |                              |            |                  |            |                     |        | CUR<br>REV# | 2 |
| EXPR DATES: INACT               |            | EMER RESP PLAN               |            | INS              | 07/01/2024 | BLAST AD            |        |             |   |
| TIME USED (HRS)=> PERMIT REVIEW |            | 0.25                         | INSPECT    | 0.50             | TRAVEL     | 1.50                | REPORT | 0.25        |   |

## INSPECTION COMMENTS

Company has allowed coal to spill from trucks and deposit on to the haulroad in several locations.

| ENFORCEMENT STANDARD                   | EVALUATION | VIO# | ENFORCEMENT STANDARD                | EVALUATION | VIO# |
|--|------------|------|-------------------------------------|------------|------|
| 0100 Distance Prohibited.....          |            |      | 0200 Exceeding Limits.....          |            |      |
| 0300 Signs and Markers.....            |            |      | 0400 Sediment Control.....          |            |      |
| 0500 Design Certification.....         |            |      | 0600 Effluent Limits.....           |            |      |
| 0700 Surface Water.....                |            |      | 0800 Ground Water.....              |            |      |
| 0900 Blasting Procedures.....          |            |      | 1000 Haul Roads.....                | NOV Issued | 6    |
| 1100 Refuse Impoundments.....          |            |      | 1200 Topsoil Handling.....          |            |      |
| 1300 Backfill / Grading.....           |            |      | 1400 Reclamation Schedule.....      |            |      |
| 1500 Revegetation Requirements.....    |            |      | 1600 Disposal of Excess Spoil.....  |            |      |
| 1700 Highwall Elimination.....         |            |      | 1800 Downslope Spoil Disposal.....  |            |      |
| 1900 Postmining Land Use.....          |            |      | 2000 Ceased Mining Temporarily..... |            |      |
| 2100 Acid bearing /Toxic Material..... |            |      | 2200 Method of Operations.....      |            |      |
| 2300 Change of Operator.....           |            |      | 2400 Permit Conditions.....         |            |      |
| 2500 Diversions and Drainage Control.. |            |      | 2600 Fugitive Dust Control.....     |            |      |
| 2700 Subsidence Plan.....              |            |      | 2800 Insurance Current.....         |            |      |
| 2900 Bonding Current.....              |            |      | 3000 Other Conditions.....          |            |      |

## WATER QUALITY TESTS

| In-Stream Station | pH | Fe | Mn | Al | NF | Flow | Units | Temp | Units | Sp Cond | Units |
|-------------------|----|----|----|----|----|------|-------|------|-------|---------|-------|
|                   |    |    |    |    |    |      |       |      |       |         |       |
|                   |    |    |    |    |    |      |       |      |       |         |       |
|                   |    |    |    |    |    |      |       |      |       |         |       |

AUTH. COMPANY REPRESENTATIVE Michael Johnson

DELIVERY METHOD / DATE TIME Hand 10/26/2023 12:45:00

CERTIFIED MAIL NUMBER

ADDRESS 1295 ASHFORD HILL RD, ASHFORD, WV 25009

WV DEP REP. Chase L Canterbury



MR-15

## West Virginia Department Of Environmental Protection

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## MR-15 NOTICE OF VIOLATION

| PERMIT<br>NUMBER | ORIGINAL INSPECTION |       | ENF STD DATA |      |         | VIOLATION ACTIVITY |       |            | INSP ID<br>NUMBER |
|------------------|---------------------|-------|--------------|------|---------|--------------------|-------|------------|-------------------|
|                  | DATE                | TIME  | FORM#        | FAC# | ENF STD | DATE               | TIME  | VIOLATION# |                   |
| O302211          | 10/26/2023          | 12:15 | 6 (rev 4/20) |      | 1000    | 10/26/2023         | 12:15 | 6          | 580               |

PERMITTEE NAME SOUTH FORK COAL COMPANY, LLC

OPERATOR NAME \_\_\_\_\_

MSHA ID# pending NPDES # WV1026593

OWNER/CONTROLLER \_\_\_\_\_

CONTRACT BLASTING FIRM \_\_\_\_\_

BLASTER NAME \_\_\_\_\_  
(CERT #) \_\_\_\_\_

Whereas an inspection of the above operation by the undersigned Authorized Representative of the Director was completed on the 26th day of October, 2023. The inspection revealed a violation of the provisions of Chapter 22, Article 3 of the Code of West Virginia. You are hereby notified that you are in violation of the provisions listed below.

WV CODE 22, Art. 3, Sect.  
22-3-13(b)(17)

Reg 38-2-  
4.7.a.8.

## [ DOV ] Description of Violation:

Company has allowed non-durable and toxic material to spill on the haulroad, in that, coal trucks have spilled coal on to the surface of the haulroad in several locations.

## [ REM ] Remedial Measures:

Remove all coal from the affected areas of the haulroad. Properly dispose of this material and replace it with a durable, non-toxic material.

MUST BE CORRECTED BY DATE 11/09/2023 12:15☒ NOV Issued☐ CO Modified to NOV☐ Resulted in Off-Site ImpactAUTH. COMPANY REPRESENTATIVE Michael JohnsonDELIVERY METHOD / DATE TIME Hand 10/26/2023 12:45:00

CERTIFIED MAIL NUMBER \_\_\_\_\_

ADDRESS 1295 ASHFORD HILL RD, ASHFORD, WV 25009WV DEP REP. Chase L CanterburyHarold D. Ward

[Secretary, Department of Environmental Protection]

10/26/2023

[WV DEP Rep/Date]

Contact Chase L Canterbury at (304) 574-4465 upon completion. Failure to complete the above measures within the above time period may result in a Cessation Order or revocation of the permit and forfeiture of the performance bond.









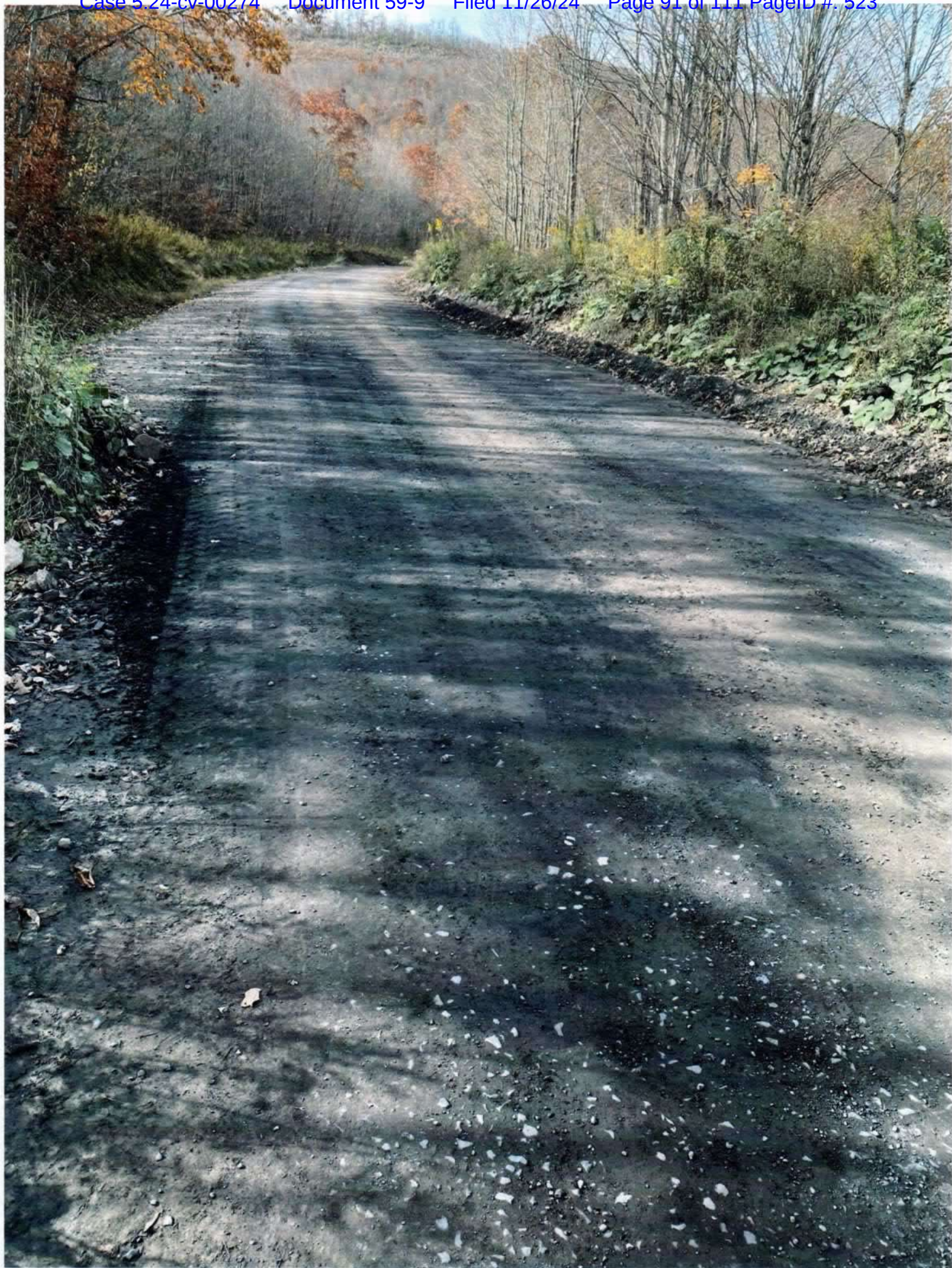




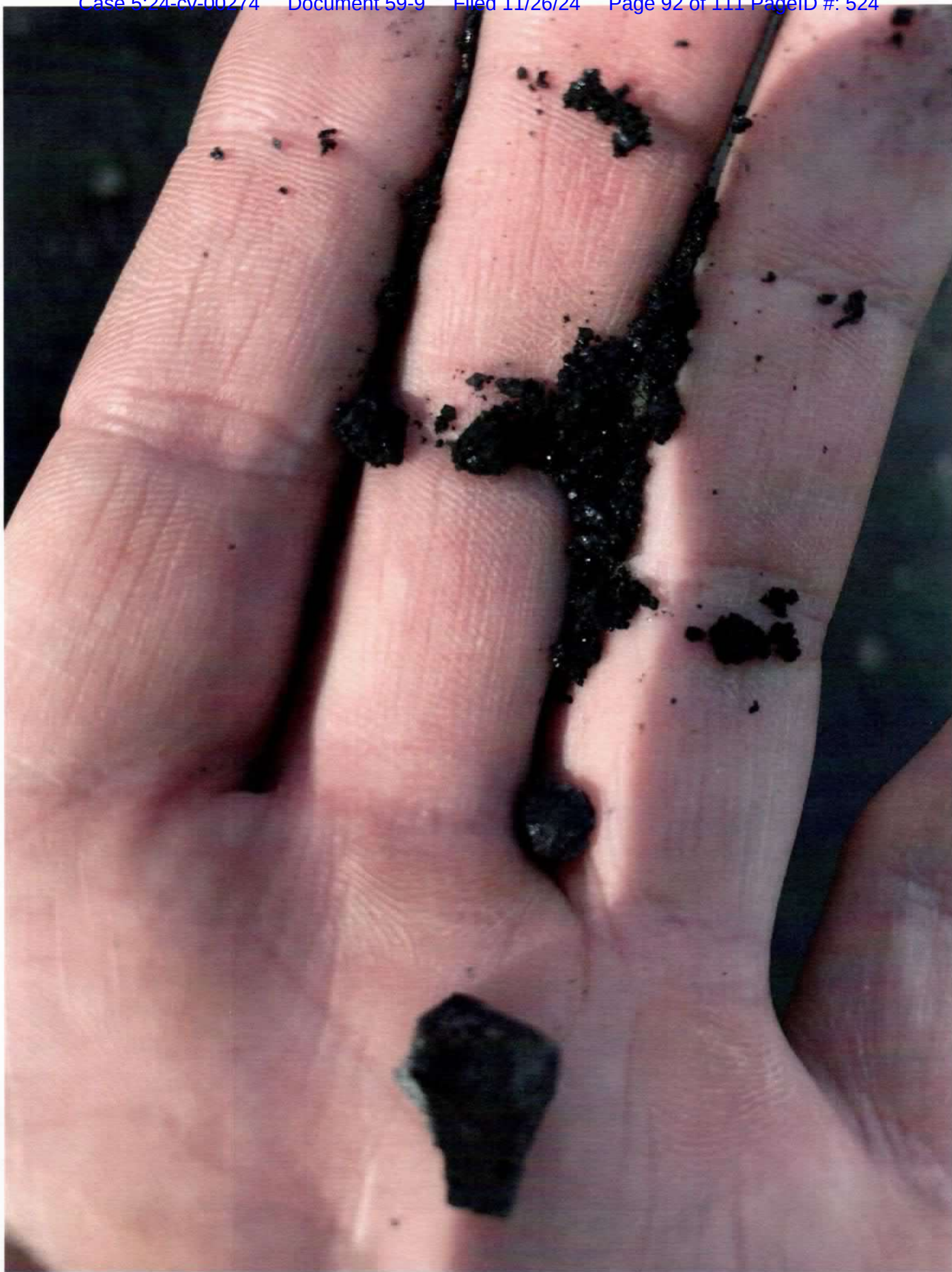


































MR-16

## West Virginia Department Of Environmental Protection

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ERIS

## MR-16 VIOLATION FOLLOW-UP INSPECTION REPORT

| PERMIT<br>NUMBER | ORIGINAL INSPECTION AND VIOLATION DATA |       |              |       |         |                | NEW VIOLATION ACTIVITY |       |
|------------------|--|-------|--------------|-------|---------|----------------|------------------------|-------|
|                  | DATE                                   | TIME  | FORM #       | FAC # | ENF STD | ORIGINAL VIOL# | DATE                   | TIME  |
| O302211          | 10/26/2023                             | 12:15 | 6 (rev 4/20) |       | 1000    | 6              | 12/14/2023             | 13:05 |

PERMITTEE NAME SOUTH FORK COAL COMPANY, LLC

Violation is hereby: ☒ Terminated ☐ Withdrawn ☐ Remains in force as written ☐ Show Cause submitted

☐ Extended to \_\_\_\_\_ at \_\_\_\_\_ ☐ NOV modified to CO # \_\_\_\_\_ ☐ CO modified to NOV # \_\_\_\_\_

Action taken to abate:

Company has cleaned up the coal in the affected areas.

## INSPECTOR'S CIVIL PENALTY ASSESSMENT RECOMMENDATION (check)

Seriousness: 1 ☐ 2 ☐ 3 ☐ 4 ☒ 5 ☐ 6 ☐ 7 ☐ 8 ☐ 9 ☐ 10 ☐ Negligence: 0 ☐ 1 ☐ 2 ☐ 3 ☐ 4 ☒ 5 ☐ 6 ☐ 7 ☐ 8 ☐Good Faith: 0 ☐ 1 ☐ 2 ☐ 3 ☒ 4 ☐ 5 ☐ 6 ☐ 7 ☐ 8 ☐Consent Agreement in effect? ☐ Yes ☒ No

Comments:

AUTH. COMPANY REPRESENTATIVE Charles FelberDELIVERY METHOD / DATE TIME Mail 12/14/2023 16:00:00

CERTIFIED MAIL NUMBER \_\_\_\_\_

ADDRESS 1295 ASHFORD HILL RD, ASHFORD, WV 25009WV DEP REP. Chase L CanterburyHarold D. Ward

[Secretary, Department of Environmental Protection]

[Signature]  
[WV DEP Representative]12/14/23

Date

Names of individuals at informal Conference:

Results: CO was: ☐ Upheld ☐ Modified ☐ Terminated ☐ Withdrawn

Comments:

SUPERVISOR: \_\_\_\_\_ DATE: \_\_\_\_\_ TIME: \_\_\_\_\_

COMPANY REPRESENTATIVE: \_\_\_\_\_ DATE: \_\_\_\_\_



05/2020

STATE OF WEST VIRGINIA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
**DIVISION OF MINING AND RECLAMATION**  
**CONFERENCE FINDINGS**

Company: South Fork Coal Company LLCPermit: Q302211Violation: 6

|   | Pre-Conference | Conference | Final Amount |
|---|----------------|------------|--------------|
| Seriousness Score:                      | 4              | 4          | \$ 600.00    |
| Comments:                               |                |            |              |
| Negligence Score:                       | 4              | 4          | \$ 475.00    |
| Comments:                               |                |            |              |
| Good Faith Score:                       | 3              | 3          | \$ -161.00   |
| Comments:<br>-15% Good Faith: -\$161.25 |                |            |              |
| History:                                | 4              | 4          | \$ 1,314.00  |
| Comments:                               |                |            |              |

Total: \$ 1,314.00**DECISION**

Original Assessment Upheld: \$ 1314.00  
 Assessment raised to: \$  
 Fact and Penalty Vacated:   
 Violation Withdrawn by Inspector:   
 Final Amount Due: \$ 1314.00  
 Company did not appear or reschedule:   
 Assessment Reduced to: \$  
 Fact Upheld, Penalty Vacated:

Date: February 6, 2024

Signature, Assessment Officer

To insure proper credit, include the permit and violation number with your payment!

Within 30 days, the above amount is due and payable to the West Virginia Division of Environmental Protection, 601 57<sup>th</sup> Street, Charleston, WV 25304. Failure to pay in the required time will result in all permitting actions for your company being blocked and may result in permit suspension.

If you wish to contest the results of this conference, pursuant to West Virginia Code 22-3-17(d)(1), you may request a formal hearing before the Surface Mine Board within 15 days of your receipt of this decision. If you choose to request a formal hearing before the Board, your request and the full amount of the final assessment to be placed in escrow pursuant to West Virginia Code 22-3-17(d)(1)(B) must be forwarded to the West Virginia Surface Mine Board, 601 57<sup>th</sup> Street, Charleston, WV 25304.

Received by Company Representative: State Representative:  I concur with the findings ☒Worksheet Mailed Certified to Company ☐



**Exhibit 20**  
**to Standing Declaration of Andrew W. Young**




MR-16

## West Virginia Department Of Environmental Protection

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## MR-16 VIOLATION FOLLOW-UP INSPECTION REPORT

| PERMIT<br>NUMBER   | ORIGINAL INSPECTION AND VIOLATION DATA |       |              |       |         |                | NEW VIOLATION ACTIVITY |       |
|--|--|-------|--------------|-------|---------|----------------|------------------------|-------|
|  | DATE                                   | TIME  | FORM #       | FAC # | ENF STD | ORIGINAL VIOL# | DATE                   | TIME  |
| O302211  | 03/06/2024                             | 10:00 | 6 (rev 4/20) |       | 1000    | 8              | 04/01/2024             | 15:30 |
| PERMITTEE NAME <u>SOUTH FORK COAL COMPANY, LLC</u>   |  |       |              |       |         |                |                        |       |
| Violation is hereby: <input checked="" type="checkbox"/> Terminated <input type="checkbox"/> Withdrawn <input type="checkbox"/> Remains in force as written <input type="checkbox"/> Show Cause submitted<br><input type="checkbox"/> Extended to _____ at _____ <input type="checkbox"/> NOV modified to CO # _____ <input type="checkbox"/> CO modified to NOV # _____   |  |       |              |       |         |                |                        |       |
| Action taken to abate:<br><u>Company has met all abatement requirements and hauling has resumed.</u>   |  |       |              |       |         |                |                        |       |
| <b>INSPECTOR'S CIVIL PENALTY ASSESSMENT RECOMMENDATION (check)</b><br>Seriousness: 1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4 <input type="checkbox"/> 5 <input type="checkbox"/> 6 <input type="checkbox"/> 7 <input type="checkbox"/> 8 <input type="checkbox"/> 9 <input type="checkbox"/> 10 <input type="checkbox"/> Negligence: 0 <input type="checkbox"/> 1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4 <input type="checkbox"/> 5 <input type="checkbox"/> 6 <input type="checkbox"/> 7 <input type="checkbox"/> 8 <input type="checkbox"/><br>Good Faith: 0 <input type="checkbox"/> 1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4 <input type="checkbox"/> 5 <input type="checkbox"/> 6 <input type="checkbox"/> 7 <input type="checkbox"/> 8 <input type="checkbox"/> Consent Agreement in effect? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No<br>Comments: |  |       |              |       |         |                |                        |       |
| AUTH. COMPANY REPRESENTATIVE <u>Dan Skaggs</u> <br>DELIVERY METHOD / DATE TIME _____<br>CERTIFIED MAIL NUMBER _____<br>ADDRESS <u>1295 ASHFORD HILL RD, ASHFORD, WV 25009</u><br>WV DEP REP. <u>Chase L Canterbury</u>  |  |       |              |       |         |                |                        |       |
| <u>Harold D. Ward</u><br>[Secretary, Department of Environmental Protection] [WV DEP Representative] Date  |  |       |              |       |         |                |                        |       |
| Names of individuals at informal Conference:   |  |       |              |       |         |                |                        |       |
| Results: CO was: <input type="checkbox"/> Upheld <input type="checkbox"/> Modified <input type="checkbox"/> Terminated <input type="checkbox"/> Withdrawn<br>Comments:   |  |       |              |       |         |                |                        |       |
| SUPERVISOR: _____ DATE: _____ TIME: _____<br>COMPANY REPRESENTATIVE: _____ DATE: _____   |  |       |              |       |         |                |                        |       |



**Exhibit 21**  
**to Standing Declaration of Andrew W. Young**



MR-15

## West Virginia Department Of Environmental Protection

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## MR-15 NOTICE OF VIOLATION

| PERMIT<br>NUMBER | ORIGINAL INSPECTION |       | ENF STD DATA |      |         | VIOLATION ACTIVITY |       |            | INSP ID<br>NUMBER |
|------------------|---------------------|-------|--------------|------|---------|--------------------|-------|------------|-------------------|
|                  | DATE                | TIME  | FORM#        | FAC# | ENF STD | DATE               | TIME  | VIOLATION# |                   |
| O302211          | 08/07/2024          | 11:00 | 6 (rev 4/20) |      | 2400    | 08/07/2024         | 11:00 | 9          | 1212              |

PERMITTEE NAME SOUTH FORK COAL COMPANY, LLC

OPERATOR NAME \_\_\_\_\_

MSHA ID# pending

NPDES #

WV1026593

OWNER/CONTROLLER \_\_\_\_\_

*If different from above*

CONTRACT BLASTING FIRM \_\_\_\_\_

BLASTER NAME \_\_\_\_\_

(CERT #) \_\_\_\_\_

Whereas an inspection of the above operation by the undersigned Authorized Representative of the Director was completed on the 07th day of August, 2024. The inspection revealed a violation of the provisions of Chapter 22, Article 3 of the Code of West Virginia. You are hereby notified that you are in violation of the provisions listed below.

WV CODE 22, Art. 3, Sect.

22-3-22(d)(5)

Reg 38-2-

3.21.c

## [ DOV ] Description of Violation:

NOV #9 issued on this day for permittee failing to submit a permit application to the field office of the Federal Office of Surface Mine Reclamation and Enforcement in accordance with Reg 38-2-3.21.c Code 22-3-22(d)(5).

## [ REM ] Remedial Measures:

Submit a permit application to the field office of the Federal Office of Surface Mine Reclamation and Enforcement in accordance with Reg 38-2-3.21.c Code 22-3-22(d)(5).

MUST BE CORRECTED BY DATE 08/21/2024 11:00☒ NOV Issued☐ CO Modified to NOV☐ Resulted in Off-Site ImpactAUTH. COMPANY REPRESENTATIVE Dan SkaggsDELIVERY METHOD / DATE TIME Hand 8/8/2024 08:00:00

CERTIFIED MAIL NUMBER \_\_\_\_\_

ADDRESS 1295 ASHFORD HILL RD, ASHFORD, WV 25009WV DEP REP. Adam P MaltempieHarold D. Ward

[Secretary, Department of Environmental Protection]

Adam P Maltempie

[WV DEP Rep/Date]

08/07/2024

Contact Adam P Maltempie at (304) 574-4465 upon completion. Failure to complete the above measures within the above time period may result in a Cessation Order or revocation of the permit and forfeiture of the performance bond.



**Exhibit 22**  
**to Standing Declaration of Andrew W. Young**



MR-16

## West Virginia Department Of Environmental Protection

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## MR-16 VIOLATION FOLLOW-UP INSPECTION REPORT

| PERMIT<br>NUMBER | ORIGINAL INSPECTION AND VIOLATION DATA |       |              |       |         |                | NEW VIOLATION ACTIVITY |       |
|------------------|--|-------|--------------|-------|---------|----------------|------------------------|-------|
|                  | DATE                                   | TIME  | FORM #       | FAC # | ENF STD | ORIGINAL VIOL# | DATE                   | TIME  |
| O302211          | 08/07/2024                             | 11:00 | 6 (rev 4/20) |       | 2400    | 9              | 08/19/2024             | 15:28 |

PERMITTEE NAME SOUTH FORK COAL COMPANY, LLC

Violation is hereby: ☐ Terminated ☐ Withdrawn ☐ Remains in force as written ☐ Show Cause submitted

☒ Extended to 09/19/2024 at 11:00 ☐ NOV modified to CO #        ☐ CO modified to NOV #       

Action taken to abate:

The permittee is working on submitting the correct paperwork to the Federal Office of Surface Mine Reclamation and Enforcement.

## INSPECTOR'S CIVIL PENALTY ASSESSMENT RECOMMENDATION (check)

Seriousness: 1 ☐ 2 ☒ 3 ☐ 4 ☐ 5 ☐ 6 ☐ 7 ☐ 8 ☐ 9 ☐ 10 ☐ Negligence: 0 ☐ 1 ☐ 2 ☒ 3 ☐ 4 ☐ 5 ☐ 6 ☐ 7 ☐ 8 ☐

Good Faith: 0 ☐ 1 ☐ 2 ☐ 3 ☐ 4 ☒ 5 ☐ 6 ☐ 7 ☐ 8 ☐

Consent Agreement in effect? ☐ Yes ☒ No

Comments:

AUTH. COMPANY REPRESENTATIVE Charles FelberDELIVERY METHOD / DATE TIME Certified 8/20/2024 10:00:00CERTIFIED MAIL NUMBER 7022 2410 0003 2261 0121ADDRESS 1295 ASHFORD HILL RD, ASHFORD, WV 25009WV DEP REP. Adam P MaltempieHarold D. Ward

[Secretary, Department of Environmental Protection]

Adam P Maltempie 8-19-24

[WV DEP Representative]

Date

Names of individuals at informal Conference:

Results: CO was: ☐ Upheld ☐ Modified ☐ Terminated ☐ Withdrawn

Comments:

SUPERVISOR: \_\_\_\_\_ DATE: \_\_\_\_\_ TIME: \_\_\_\_\_

COMPANY REPRESENTATIVE: \_\_\_\_\_ DATE: \_\_\_\_\_



**Exhibit 23**  
**to Standing Declaration of Andrew W. Young**



MR-15

## West Virginia Department Of Environmental Protection

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## MR-15 NOTICE OF VIOLATION

| PERMIT<br>NUMBER | ORIGINAL INSPECTION |       | ENF STD DATA |      |         | VIOLATION ACTIVITY |       |            | INSP ID<br>NUMBER |
|------------------|---------------------|-------|--------------|------|---------|--------------------|-------|------------|-------------------|
|                  | DATE                | TIME  | FORM#        | FAC# | ENF STD | DATE               | TIME  | VIOLATION# |                   |
| O302211          | 09/10/2024          | 09:05 | 6 (rev 4/20) |      | 2400    | 09/10/2024         | 09:05 | 10         | 1212              |

PERMITTEE NAME SOUTH FORK COAL COMPANY, LLC

OPERATOR NAME \_\_\_\_\_

MSHA ID# pending

NPDES #

WV1026593

OWNER/CONTROLLER \_\_\_\_\_

If different from above

CONTRACT BLASTING FIRM \_\_\_\_\_

BLASTER NAME \_\_\_\_\_

(CERT #) \_\_\_\_\_

Whereas an inspection of the above operation by the undersigned Authorized Representative of the Director was completed on the 10th day of September, 2024. The inspection revealed a violation of the provisions of Chapter 22, Article 3 of the Code of West Virginia. You are hereby notified that you are in violation of the provisions listed below.

WV CODE 22, Art. 3, Sect.

Reg 38-2-

22-3-22(d)(5)

3.21.c

## [ DOV ] Description of Violation:

NOV #10 issued on this day for failure to submit a request for determination of valid existing rights to the field office of the Federal Office of Surface Mine Reclamation and Enforcement.

## [ REM ] Remedial Measures:

Submit a request for determination of valid existing rights to the field office of the Federal Office of Surface Mine Reclamation and Enforcement.

MUST BE CORRECTED BY DATE 09/24/2024 12:00☒ NOV Issued☐ CO Modified to NOV☐ Resulted in Off-Site ImpactAUTH. COMPANY REPRESENTATIVE Charles FelberDELIVERY METHOD / DATE TIME Certified 9/10/2024 12:00:00CERTIFIED MAIL NUMBER 95 8907 1052 7021 1683 1766ADDRESS 1295 ASHFORD HILL RD, ASHFORD, WV 25009WV DEP REP. Adam P MaltempieHarold D. Ward

[Secretary, Department of Environmental Protection]

09/10/2024

[WV DEP Rep/Date]

Contact Adam P Maltempie at (304) 574-4465 upon completion. Failure to complete the above measures within the above time period may result in a Cessation Order or revocation of the permit and forfeiture of the performance bond.



**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

South Fork Coal Company, LLC  
1295 Ashford Hill Rd.  
Ashford, WV 25009



9590 9402 7230 1284 5369 39

2. Article Number (Transfer from service label)

89 0710 5270 2116 8317 66

PS Form 3811, July 2020 PSN 7530-02-000-9053

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature ☐ Agent  
☒ Addressee

B. Received by (Printed Name) C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes  
If YES, enter delivery address below: ☐ No

SEP 16 2024

By

3. Service Type
- ☐ Adult Signature Restricted Delivery
  - ☐ Adult Signature Restricted Delivery
  - ☐ Certified Mail®
  - ☐ Certified Mail Restricted Delivery
  - ☐ Collect on Delivery
  - ☐ Collect on Delivery Restricted Delivery
  - ☐ Insured Mail
  - ☐ Insured Mail Restricted Delivery (over \$500)

- ☐ Priority Mail Express®
- ☐ Registered Mail™
- ☐ Registered Mail Restricted Delivery
- ☐ Signature Confirmation™
- ☐ Signature Confirmation Restricted Delivery

Domestic Return Receipt



**Exhibit 24**  
**to Standing Declaration of Andrew W. Young**





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west virginia department of environmental protection

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Division of Mining and Reclamation  
601 57th Street, SE  
Charleston, WV 25304-2345  
Phone: (304) 926-0490  
Fax: (304) 926-0456

Harold D. Ward, Cabinet Secretary  
dep.wv.gov

February 1, 2024

SOUTH FORK COAL COMPANY, LLC  
1295 ASHFORD HILL RD  
ASHFORD, WV 25009

**NOTICE TO COMPLY**


**RE: WV/NPDES Permit No. WV1026593**

Dear Permittee:

A review of our records indicate that you have failed to submit your Discharge Monitoring Report(s) (DMR) as required under the reporting requirements in WV/NPDES Permit No. WV1026593 (Article 3s: O302211) for the attached listing.

You are hereby notified that such failure to submit reports is considered a violation of the terms and conditions of the WV/NPDES Permit. Therefore, you are hereby required to submit the reports to your local Environmental Inspector and the NPDES Section in Charleston, via eDMR with a new submittal, within ten (10) days of receipt of this notice. Failure to comply with this notice may subject you to additional Enforcement Action. Please indicate this is a "late submittal" with your response, for priority processing. See attached page for the appropriate outlet(s) & date needed to complete submitted data.

If you have any questions on this matter please contact Kristin Arthur at (304) 926-0499 ext. 43732.

  
Jamie Hopewell  
NPDES Enforcement Program Manager  
Division of Mining & Reclamation

Enclosure(s)

cc: Environmental Inspector Supervisor - Seijo, Manuel  
Environmental Inspector -/enforcementofficename/  
Regional Office File - Fayetteville  
Headquarters NPDES File



**Notice To Comply**

February 1, 2024

| Permittee                    | Permit Id | Inspectable Unit | DMR Report Date |
|------------------------------|-----------|------------------|-----------------|
| South Fork Coal Company, Llc | WV1026593 | 001              | 10/31/2023      |
|                              |           | 001              | 12/31/2023      |
|                              |           | DSFCR            | 10/31/2023      |
|                              |           | DSFCR            | 12/31/2023      |
|                              |           | USFCR            | 10/31/2023      |
|                              |           | USFCR            | 12/31/2023      |
|                              |           | USFCR            | 12/31/2023      |